BUDDHIST MONKS AND BUSINESS MATTERS

Still More Papers on Monastic Buddhism in India



GREGORY SCHOPEN

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THE PERSON TO BLAME for this volume is Patricia Crosby. She was abetted by Luis Gómez, but it was largely as a result of her . . . uh . . . persistence that vague and evasive promises on my part were somehow transformed into a project, then a schedule, then a manuscript. Her motives remain inscrutable, but given her roots, it might be assumed that she still has a soft spot for old cowboys. I am, in any case, grateful to her, and to Professor Gómez, who, indeed, remains for me a Professor.

I am also, again, grateful to the members of my family, all of whom—although a little worse for wear—are still going. Their perspective on things remains important and is nicely exemplified by an encounter that my niece—also a Schopen—had at an American university that shall remain nameless. When the professor of an anthropology course she was taking asked her if she was related to the Schopen who was a "buddhologist," she promptly and emphatically denied it—she did not know what the word meant, but it did not sound like anybody she knew.

I remain grateful to old friends: John Thiel and Hal Roth—a theologian and a Sinologist—an odd cluster, perhaps, but deep, and old, and true. Our conversations are still about books and ideas even if there are increasingly frequent references to aches and pains, receding hair, or bulging waistlines. I continue to be grateful to my old boss and friend Patrick Olivelle, and I continue to be amazed by his scholarship, his high spirits, and his apparently boundless energy. I am also grateful to another—if unlikely—boss: one Carl Bielefeldt. He had to watch my misguided attempt to make myself over into a member of the faculty of that bastion of free enterprise and liberal politics that is Stanford University. It could not have been a pretty sight, and yet he never seemed to lose his sense of humor. I am grateful to him for this, and for the time spent at Stanford—at least one of the papers in this volume was written there. I am equally grateful to Bernard Faure, at Stanford still, for his friendship and conversation. Our occasional trips to Berkeley in

quest of books, and even our trip to the Palo Alto dump, are among my favorite memories of those otherwise benighted days.

My new boss too had to watch, but, as befits the only monk I know who looks really good in a three-piece suit, Robert Buswell never lost his composure. Also at UCLA, William Bodiford (an amazing source of the most disparate kinds of information) and John Duncan (a fellow country boy) were welcoming from the start. Robert Brown—who, if I remember correctly, started the whole convoluted process that led to Los Angeles—has become a very good reason for going to campus, has put up with a lot of teasing, and generously allowed me access to his personal library (most of which is made up of books checked out of the university library for the next two hundred years). More recently, a young man I have known for many years has joined us, and his enthusiasm for scholarship has, as always, been infectious: Jonathan Silk has never been at a loss for words about my work or anyone else's, has lent me books, provided me references (even when I did not want them), and, even more important for world peace, is learning how to be polite. It is nice to have him near at hand. To all these gentlemen I am very grateful.

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who gives me hope; and Fleming—young in spirit—who gives me meaning. Neither could I do without.

Some details—all but one of the papers in this volume have been previously published. There is in this volume, as in its predecessor, a certain amount of repetition, and some passages of the *Mūlasarvāstivāda-vinaya* in particular are translated more than once. In such cases I have made no attempt to make my renderings exactly alike, and I do not offer any apologies for this. I have left these variant translations because they so nicely show that all translations are only approximate—the same phrase can be legitimately rendered in more than one way. In this volume too there is some variation in the spelling of place-names that has not always been removed, and copious other minor inconsistencies in hyphenation, capitalization, and other matters of national security. These remain in spite of the *fact* that once again—as with the first volume—these papers have fallen into the hands of an excellent copy editor. Working in Austin, where many of these papers were first written, Rosemary Wetherold has *in fact* removed *at least* a *very* large number of stylistic infelicities (she will most fully appreciate the italicization). Those that remain are my fault, as is the substance, which has been changed not at all. I am grateful to her, and to the University of Hawai'i Press for taking yet another chance.

ABBREVIATIONS

Adhikaraṇavastu (Gnoli)	R. Gnoli, *The Gilgit Manuscript of the Śayanāsanavastu and the Adhikaraṇavastu. Being the 15th and 16th Sections of the Vinaya of the Mūlasarvāstivādin* (Serie Orientale Roma 50) (Rome: 1978)
ArA	*Artibus Asiae*
ARASI	*Annual Report of the Archaeological Survey of India*
ArO	*Ars Orientalis*
Avadānaśataka (Speyer)	J. S. Speyer, *Avadānaçataka. A Century of Edifying Tales Belonging to the Hīnayāna* (Bibliotheca Buddhica 3.1–2) (St. Petersburg: 1902–1909)
Bauddhavidyāsudhākaraḥ	*Bauddhavidyāsudhākaraḥ. Studies in Honour of Heinz Bechert on the Occasion of His 65th Birthday* (Indica et Tibetica 30), ed. P. Kieffer-Pülz and J.-U. Hartmann (Swisttal-Odendorf: 1997)
BD	I. B. Horner, *The Book of the Discipline* (Oxford and London 1938–1966) 6 Vols.
BEFEO	*Bulletin de l'école française d'extrême-orient*
BEI	*Bulletin d'études indiennes*
BHSD	F. Edgerton, *Buddhist Hybrid Sanskrit Grammar and Dictionary.* Vol. II: Dictionary (New Haven, Conn.: 1953)
BSBM	G. Schopen, *Bones, Stones, and Buddhist Monks. Collected Papers on the Archaeology, Epigraphy,*

	and Texts of Monastic Buddhism in India (Honolulu: 1997)
Bod rgya tshig mdzod chen mo	*Bod rgya tshig mdzod chen mo*, ed. Zhang Yisun et al. (Beijing: 1985) 3 Vols.
BSOAS	*Bulletin of the School of Oriental and African Studies*
CAJ	*Central Asiatic Journal*
CII	*Corpus Inscriptionum Indicarum*
Derge	*The Tibetan Tripitaka. Taipei Edition*, ed. A.W. Barber (Taipei: 1991)
Divyāvadāna (Cowell and Neil)	E. B. Cowell and R. A. Neil, *The Divyāvadāna. A Collection of Early Buddhist Legends* (Cambridge, U.K.: 1886)
DPPN	G. P. Malalasekera, *Dictionary of Pāli Proper Names* (London: 1937) 2 Vols.
'Dul ba pha'i gleng bum chen mo	L. Chandra, *The Collected Works of Bu-ston*, Part 23 (Ḥa) (Śata-Piṭaka Series 63) (New Delhi: 1971)
EB	*Eastern Buddhist*
EI	*Epigraphia Indica*
EW	*East and West*
FFMB	G. Schopen, *Figments and Fragments of a Mahāyāna Buddhism in India. More Collected Papers* (Honolulu: forthcoming)
GBMs	R. Vira and L. Chandra, *Gilgit Buddhist Manuscripts* (Facsimile Edition) (Śata-Piṭaka Series 10.6) (New Delhi: 1974), Part 6
GMs	N. Dutt, *Gilgit Manuscripts*, Vol. III, Pt. 1 (Srinagar: 1947); Vol. III, Pt. 2 (Srinagar: 1942); Vol. III, Pt. 3 (Srinagar: 1943); Vol. III, Pt. 4 (Calcutta: 1950)
HJAS	*Harvard Journal of Asiatic Studies*
HR	*History of Religions*
IA	*Indian Antiquary*
IAR	*Indian Archaeology: A Review*
IBK	*Indogaku bukkyōgaku kenkyū*
IHQ	*Indian Historical Quarterly*

IIJ	*Indo-Iranian Journal*
JA	*Journal asiatique*
JAOS	*Journal of the American Oriental Society*
JASBom	*Journal of the Asiatic Society of Bombay*
Jäschke	H. A. Jäschke, *A Tibetan-English Dictionary* (London: 1881)
JBomBRAS	*Journal of the Bombay Branch of the Royal Asiatic Society*
JIABS	*Journal of the International Association of Buddhist Studies*
JIH	*Journal of Indian History*
JIP	*Journal of Indian Philosophy*
JPTS	*Journal of the Pali Text Society*
JRAS	*Journal of the Royal Asiatic Society of Great Britain and Ireland*
Kaṭhinavastu (Chang)	Kun Chang, *A Comparative Study of the Kaṭhinavastu* (Indo-Iranian Monographs 1) (The Hague: 1957)
Konow, *Kharoshṭhī Inscriptions*	S. Konow, *Kharoshṭhī Inscriptions with the Exception of Those of Aśoka* (Corpus Inscriptionum Indicarum Vol. II, Pt. 1) (Calcutta: 1929)
Lamotte, *Histoire du bouddhisme indien*	Ét. Lamotte, *Histoire du bouddhisme indien. Des origines à l'ère śaka* (Bibliothèque du muséon 43) (Louvain: 1958)
Lüders, *Bharhut Inscriptions*	H. Lüders, *Bharhut Inscriptions* (Corpus Inscriptionum Indicarum Vol. II, Pt. 2), rev. E. Waldschmidt and M. A. Mehendale (Ootacamund: 1963)
Lüders, *Mathurā Inscriptions*	H. Lüders, *Mathurā Inscriptions* (Abhandlungen der Akademie der Wissenschaften in Göttingen. Philologisch-Historische Klasse. Dritte Folge, Nr. 47), ed. K. L. Janert (Göttingen: 1961)
Mahāparinirvāṇasūtra (Waldschmidt)	E. Waldschmidt, *Das Mahāparinirvāṇasūtra. Text in Sanskrit und Tibetisch, verglichen mit dem Pāli nebst einer Übersetzung der chinesischen Entsprechung im Vinaya der Mūlasarvāstivādins* (Abhandlungen der Deutschen Akademie der Wissenschaften zu

	Berlin. Philologisch-Historische Klasse. Jahrgang 1949, Nr. 1; Klasse für Sprachen, Literatur und Kunst. Jahrgang 1950, Nr. 2–3) (Berlin: 1950–1951) Teil I–III
MASI	*Memoirs of the Archaeological Survey of India*
Pāli *Vinaya*	H. Oldenberg, *The Vinaya Piṭakaṃ: One of the Principal Buddhist Holy Scriptures in the Pāli Language* (London: 1879–1883) 5 Vols
Panglung, *Die Erzählstoffe des Mūlasarvāstivāda-Vinaya*	J. L. Panglung, *Die Erzählstoffe des Mūlasarvāstivāda-Vinaya. Analysiert auf Grund der tibetischen Übersetzung* (Studia Philologica Buddhica Monograph Series 3) (Tokyo: 1981)
Poṣadhavastu (Hu-von Hinüber)	H. Hu-von Hinüber, *Das Poṣadhavastu. Vorschriften für die buddhistische Beichtfeier im Vinaya der Mūlasarvāstivādins* (Studien zur Indologie und Iranistik. Monographie 13) (Reinbeck, Germany: 1994)
Pravrajyāvastu (Eimer)	H. Eimer, *Rab tu 'byuṅ ba'i gži. Die tibetische Übersetzung des Pravrajyāvastu im Vinaya der Mūlasarvāstivādins* (Asiatische Forschungen 82) (Wiesbaden: 1983) 2 Teil
Pravrajyāvastu (Näther/Vogel/Wille)	V. Näther, C. Vogel, and K. Wille, "The Final Leaves of the *Pravrajyāvastu* Portion of the Vinayavastu Manuscript Found near Gilgit. Part I Saṃgharakṣitāvadāna," in *Sanskrit-Texte aus dem buddhistischen Kanon: Neuentdeckungen und Neueditionen III* (Sanskrit-Wörterbuch der buddhistischen Texte aus den Turfan-Funden. Beiheft 6) Bearbeitet von G. Bongard-Levin et al. (Göttingen: 1996) 241–296
Pravrajyāvastu (Vogel and Wille)	C. Vogel and K. Wille, *Some Hitherto Unidentified Fragments of the Pravrajyāvastu Portion of the Vinayavastu Manuscript Found near Gilgit.* Nachrichten der Akademie der Wissenschaften in Göttingen I. Philologisch-Historische Klasse. Jahrgang 1984, Nr. 7 (Göttingen: 1984) 299–337
RAA	*Revue des arts asiatiques*
RHR	*Revue de l'histoire des religions*
SAA	*South Asian Archaeology*

Saṅghabhedavastu (Gnoli)	R. Gnoli, *The Gilgit Manuscript of the Saṅghabhedavastu. Being the 17th and Last Section of the Vinaya of the Mūlasarvāstivādin* (Serie Orientale Roma 49.1–2) (Rome: 1977–1978)
Śayanāsanavastu (Gnoli)	see *Adhikaraṇavastu* above
Schopen, *Daijō bukkyō kōki jidai*	G. Schopen, *Daijō bukkyō kōki jidai: Indo no sōin seikatsu*, trans N. Odani (Tokyo: 2000)
StII	*Studien zur Indologie und Iranistik*
Tog	*The Tog Palace Manuscript of the Tibetan Kanjur* (Leh: 1975–1980)
TP	*T'oung Pao*
TSD	L. Chandra, *Tibetan-Sanskrit Dictionary* (New Delhi: 1959–1961; repr. Kyoto: 1971)
UCR	*University of Ceylon Review*
Vinayasūtra (Bapat and Gokhale)	P. V. Bapat and V. V. Gokhale, *Vinayasūtra and Auto-Commentary on the Same by Guṇaprabha* (Tibetan Sanskrit Works Series 22) (Patna: 1982)
Vinayasūtra (Sankrityayana)	R. Sankrityayana, *Vinayasūtra of Bhadanta Guṇaprabha* (Singhi Jain Śāstra Śikṣāpītha. Singhi Jain Series 74) (Bombay: 1981)
WZKS	*Wiener Zeitschrift für die Kunde Südasiens*
ZDMG	*Zeitschrift der Deutschen Morgenländischen Gesellschaft*

CHAPTER I

The Good Monk and His Money in a Buddhist Monasticism of "the Mahāyāna Period"

IT IS PROBABLY FAIR to say that, because of the way they have been studied, neither Indian Buddhist monasticism nor the Buddhist monastery in India has been allowed to have anything like a real history. Whether implicitly or explicitly, conscious or not, most modern scholars have either unquestioningly assumed, or worked hard to show, that extant monastic or *vinaya* sources, for example, must be early, some even asserting—or again assuming—that they must go back to the Buddha himself. But the necessary consequences of this assumption have rarely been examined: if the extant *vinaya* sources are early, if they go back anywhere near the time of the Buddha, then Buddhist monasticism could not have any real institutional history—it could only have sprung all but fully formed from the head of the Buddha. Moreover, since these extant *vinaya* sources already know and are meant to govern fully developed, well-organized, walled monasteries that had infirmaries, refectories, bathrooms, steam rooms, locks, and keys, the Buddhist monastery too could have had no real development and, consequently, no actual history. It would have been architecturally finished from its very start.

Such pictures—one is tempted to say fantasies—fit, of course, not at all well with what is known about monasticisms elsewhere. More importantly, and in specific regard to the Indian Buddhist monastery for which we have some independent, nonliterary sources as well, it does not fit at all with what is found in the archaeological record of Buddhist monastic sites in India. The earliest Buddhist "monasteries" that are known in India—and none of these are pre-Aśokan—are not "monasteries" at all. They are either [86]* only barely improved, unorganized, natural caverns or caves, or poorly constructed and ill-organized shelters built of

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*To allow for easy cross-reference, the page numbers of the original publications have been inserted into the text in square brackets.

rubble or other cheap materials.[1] Communities living in these environments could not have produced our elaborate *vinayas*, nor would they have had any use for them. Since such communities had no steam rooms (*jentāka*), for example, how could they possibly have generated elaborate rules governing their construction and use?

Clearly there is something curiously wrong here, and the early history of Buddhist monasticism and Buddhist monasteries in India must be fundamentally rethought and reexamined. But there are other equally interesting projects that also must be undertaken. Once it is allowed that, yes, both Buddhist monasticism and Buddhist monasteries had histories, that both developed and changed over time, then "early" Buddhist monasticisms—and we should probably begin to use the plural seriously here—and the "early" Buddhist monastery, become only one, and certainly not the only important, object of investigation. We need no longer be implicitly or explicitly concerned primarily with the question of what Buddhist monasticisms originally were. We might be equally—and probably more fruitfully—concerned with what at given places at given points in time they had become. We might begin to meaningfully talk about "early" and "early medieval" and "medieval" and "late" Buddhist monasticisms and to study each of these in their own right and not, for example, as mere exemplifications of the decline and degeneration of some "early" and largely assumed single "ideal." Each of these monasticisms will need to be understood and evaluated on its own terms, and this, of course, will not be easy.

If, for example, we want to know what Buddhist monasticism had become in North India in the period between the mature Kuṣān and the fifth through sixth centuries—the period that for lack of a better term might be called "the early medieval," and the period that is generally taken to be that of "the Mahāyāna"—then the *Mūlasarvāstivāda-vinaya* becomes a primary source. There is an almost general agreement that this *Vinaya* is "late" and was redacted and used during this period. There is the same sort of agreement that during this period this *vinaya* had clear connections with North India, [87] with Gandhāra, Mathurā, and perhaps Kashmir.[2] This is the good part. The bad part follows almost immediately: the *Mūlasarvāstivāda-vinaya* is enormous. Sylvain Lévi has described it as "a vast compilation," as "nearly epic," as an "immense pot-pourri of the Buddhist discipline," as "monstrous" and "in itself an already complete canon." Huber, too, refers to it as "this enormous compilation," and Lalou as "this enormous *vinaya*"—here too there is general agreement and it is not difficult to see why.[3] The Tibetan version of the *Mūlasarvāstivāda-vinaya* in, for example, the Derge edition is almost four thousand folios long and takes up thirteen volumes, and even it may not be complete. It seems to lack two texts often quoted by Guṇaprabha entitled the *Mātṛkā* and the *Nidāna*, although both may now be represented in the Tibetan traditions by what is there called the *Uttaragrantha(s)*.[4] Large portions of its *Vinayavastu* have

also been preserved in Sanskrit in the manuscripts from Gilgit,[5] and significant portions of its *Vibhaṅga* are also available—usually in truncated or crudely condensed form—in the *Divyāvadāna*.[6] There is as well a Chinese translation, although it is incom[88]plete, "full of gaps," and "much less exact than the Tibetan one." Lamotte, in fact, characterizes it as "mediocre."[7]

The bulk of the *Mūlasarvāstivāda-vinaya* is, however, only a part of the bad news. Not only is this *Vinaya* huge, but it has also been little studied, and only a tiny portion of it has been critically edited in any language. This means—at the very least—that anything said about it at this stage can be only tentative and provisional.

These are all serious problems, but an equally serious obstacle to any understanding of this "monster" is the fact that much of what it seems to contain does not correspond to what we thought we knew about the character and defining characteristics of monastic Buddhism. It has, for example, been commonly assumed or asserted that becoming a Buddhist monk involved—or even required—renouncing all personal property. But the *Mūlasarvāstivāda-vinaya* seems to assume, or even require, something quite different. According, for example, to the Mūlasarvāstivādin ordination formulary that has come down to us in a Sanskrit manuscript from Tibet, the candidate for ordination must be asked: "Do you have any debt (*deya*, *bu lon*), either large or small, to anyone?" If he says yes, then he must be asked: "Will you be able to repay this *after* you have entered the order (*śakṣyasi pravrajyāyaṃ dātum*)?" If he says no, the text says he must be sent away and he cannot be admitted into the order. Only if he says that he will be able to pay can the ordination proceed.[8] Here, in other words, the expectation—indeed the rule—is that a successful candidate for Mūlasarvāstivādin ordination would not renounce private wealth but would retain it and be responsible for and able to pay any debt that was contracted prior to ordination.

These sorts of expectations are moreover found elsewhere in this *Vinaya* in a startling variety of contexts. The *Vinayavibhaṅga*, for example, repeat[89]edly assumes that monks will be subject to tolls and road taxes and gives rules that require monks to pay them (Derge Ca 72b.6ff). This must mean that the redactors of this *Vinaya* also assumed two other things: that monks while traveling would be transporting taxable goods, and that monks would have the means to pay the taxes. That it was assumed that these were their own personal goods, and that the payments were to be made from their own resources, is made virtually certain by the fact that the *Vibhaṅga* has a separate set of rules dealing with the payment of tolls on goods that are for ritual purposes and are corporately owned, that is, that belong to the Buddha or the Dharma or the Saṅgha—in such cases it is explicitly stated that the tolls must be paid from corporate funds (Derge Ca 76b.4–78a.4). In the *Kṣudrakavastu* there is a rule explicitly stating that when a monk borrows

(*brnyas pa*) a mat from another monk, and that mat is damaged by him, the borrowing monk must compensate the owner: "He must either give him the price of its full value or what will satisfy him" (*ri ba'i rin sbyin par bya ba 'am / de'i sems mgu bar bya'o*—Derge Tha 49a.1). In the same *Vastu*, monks are explicitly told that when their property is stolen, they must not take the thieves to court but must buy back from them what they stole, even if they have to give the full price (*rgyal po'i pho brang du sbron par mi bya'i 'on kyang sngar chos bshad nas bslang bar bya'o / gal te mi ster na rin phyed kyis blang bar bya'o / gal te de ltar yang mi ster na rin tshang bar byin la blang bar bya ste*—Derge Tha 233b.2). And the *Kṣudrakavastu* also explicitly declares that monks must carry seals (*rgya bcang bar bya'o*). Such seals were meant to mark property, and the text, again, explicitly says there are two sorts of seals—seals of the community and seals of individuals (*rgya ni gnyis te / dge 'dun gyi dang gang zag gi'o*—Derge Tha 7b.6–8a.7; cf. *Vinayavibhaṅga*, Derge Ca 79b). The distinction here is particularly interesting as one of numerous instances where this *Vinaya* formally acknowledges the existence of individual private property (*paudgalika*) and distinguishes it from corporate or communal property (*sāṃghika*). Yet another example occurs in the *Cīvaravastu*. Here the problem is that terminally ill monks were dying on bedding belonging to the community (*glānāḥ asaṃviditā eva sāṃghike śayanāsane kālaṃ kurvanti*). As a consequence, the Buddha himself is made to order the attending monk to watch closely for the signs of imminent death and, when they occurred, to move the dying monk on some pretext onto his personal bedding (*śarīrāvasthāṃ jñātvā paudgalike śayanāsane vyājenāvatārya śāyitavya iti*—GMs iii 2, 123.16). And this same distinction also comes into play elsewhere in the *Cīvaravastu* in regard to dying monks. [90] In one passage, for example, it is clearly assumed that monks normally owned or were expected to pay for any medicines they required or for any rituals that were performed on their behalf. This seems at least to follow from the fact that only in the case of very poor monks (*alpajñāta*) could these be paid for out of corporate funds (*sāṃghika*), and even then those corporate funds were to be repaid if at all possible (GMs iii 2, 124.11–125.9; cf. 128.1–131.15). The acknowledgement of *paudgalika*, of a monk's private property, occurs even in the Mūlasarvāstivādin *Prātimokṣa*.[9]

The mere existence of the distinction between *sāṃghika* and *paudgalika*, and the formal acknowledgment of the latter in Mūlasarvāstivādin monastic law, should in themselves put to rest any doubts about whether Mūlasarvāstivādin monks were expected to have personal property. But to well and truly bury them we probably need only glance again at the last part of the *Cīvaravastu*. There are there more than thirty-five pages detailing what can only be called Mūlasarvāstivādin monastic inheritance law. There are rules detailing what should happen to the property of a monk from one "residence" (*āvāsa*) who dies in another (GMs iii 2, 113.14–117.4); rules dealing with the disposition of the estate of a monk some of whose

property was held in trust (*prativastu*) by other monks or even laymen (143.15–145.13); rules laying down the formal procedures (*karman*) required when the community takes formal possession (*adhitiṣṭhati*) of a deceased monk's estate in order to distribute it (117.8–121.5 and 145.2–.9); rules establishing the proper times for distributing a dead monk's estate and for determining who can participate in that distribution (120.3–.20); and so on. Rules dealing with monastic estates are, moreover, not found only in the *Cīvaravastu*. There are, for example, rules in the *Kṣudrakavastu* stipulating that property that a monk "designates" (*bsngo ba*) for another monk while he is alive reverts to his estate upon his death (Derge Tha 254a.1–.6) and, conversely, that property that was "designated by one monk for another does not belong to the latter's estate when he dies, but continues to belong to the former" (Derge Tha 254a.6–b.2). There is as well a large number of rules governing monastic estates and inheritance law in the *Uttaragrantha(s)*, rules—for example—governing what must happen [91] when a monk borrows money from a layman (*dge slong gzhan zhig gis khyim bdag cig las kār shā pa ṇa zhig bskyes pa . . .*) but dies without repaying the loan (Derge Pa 132b.7–133a.3; see also Derge Pa 85a.3–86a.2, 86a.2–.6, 86a.6–b.4, 86b.4–.7, 86b.7–87a.4, etc.).[10] The size, finally, of some of the monastic estates that are mentioned is also impressive, and it seems clear that the redactors of this *Vinaya* assumed that some monastic estates would be very large indeed. One such estate is described as worth or consisting of "a great deal of gold, three hundred thousand of gold" (*prabhūtaṃ suvarṇaṃ tisraḥ suvarṇalakṣāḥ*—GMs iii 2, 118.11), and this elicits no comment in the text and appears to pass as completely acceptable. In fact, the *Cīvaravastu* even has a set of rules specifically framed to deal with large estates left by monks who were "rich and famous" (*jñātamahāpuṇya*—GMs iii 2, 123.10–15), and here again there is not the slightest indication that such estates were considered irregular or undesirable.

At least two things, it seems, are then already reasonably clear from the material quickly summarized to this point. A great deal of the *Mūlasarvāstivāda-vinaya* takes for granted that the monks it was meant to govern had and were expected—even required—to have personal property and private wealth. If Buddhist monks were ever required to renounce private property—and there are good reasons for doubting this—they certainly were not by the time the *Mūlasarvāstivāda-vinaya* was redacted. Some Mūlasarvāstivādin monks, those who were "well known and of great merit," were even expected to be quite wealthy. Rather than suggest that such wealth should be renounced or avoided, this *Vinaya* redacted detailed rules to transmit that wealth to other monks and to shelter it from the state. The estates of men who died *aputra*, "sonless"—and monks at least normally did—otherwise went to the king, and this issue of law is twice directly addressed in the *Cīvaravastu* (GMs iii 2, 118.11ff, 140.14ff).

In fact, a preoccupation with specifically legal issues is the second seemingly characteristic feature of Mūlasarvāstivādin monasticism to emerge. The redactors of this *Vinaya* appear to have been just as much jurists [92] as they were monks. They appear to apply to the questions of ownership and inheritance, for example, the same sort of care and precision that their colleagues working on the *Abhidharma* applied to the classification and definition of *dharmas*. Indeed, how much the "style" of thinking that dominates the *Abhidharma* owes to these monastic jurists is an open and emerging question.[11] It may be that many of the techniques and styles of exposition were first employed in constructing the *vinayas*. The two bodies of material at the very least have many methods in common, and Vasubandhu, for example, deals not infrequently with what are issues of monastic law. One of the best examples, perhaps, is his treatment of the rights and status of a monk who violated one of the *pārājika* rules but who had no intention of concealing it (Shastri, ii 646)—the same topic is treated as well in the *Kṣudrakavastu* (Derge Tha 102a.5–104b.2). But even putting these considerations aside, what we have seen so far would seem to suggest that in regard to legal questions the *Mūlasarvāstivāda-vinaya* has a degree of sophistication that is certainly notable, and it appears that the redactors of this *Vinaya* were certainly concerned with legal precision. But this same legal sophistication and concern is also found elsewhere in the *Mūlasarvāstivāda-vinaya*.

The redactors of the *Mūlasarvāstivāda-vinaya* either adapted or invented a significant number of sophisticated financial instruments and economic devices—they knew and made rules governing the use of both oral and written wills, written loan contracts, permanent endowments, monetary deposits, interest-bearing loans, negotiable securities, and even what might be called a form of health insurance. The *Cīvaravastu*, for example, disallows the use of nuncupative, or oral, wills by monks to dispose of their property in favor of other monks (GMs iii 2, 124.1–10). But this rule is also amended and clarified in both the *Kṣudrakavastu* and the *Uttaragrantha(s)*, where it is explicitly established that Buddhist monastic law does not apply to laymen and that, therefore, a nuncupative will made by a layman in favor of monks is both allowable and valid (Derge Tha 252b.3–254a.1 and Pa 130a.4–131a.3).[12] The oral disposition of property prior to death was, of course, a subject of discussion in *dharmaśāstric* law as well. More striking [93] still is the sanctioned use of a written will (*patrābhilekhya*, *patrābhilikhita*) by a layman of sorts to leave all of a considerable fortune to the Community (GMs iii 2, 140.14ff). This is most certainly the earliest reference to a written will in all of Indian literature and—apart from a possible second reference in the *Divyāvadāna*'s account of the death of Aśoka—virtually unique.[13] Not quite so unusual are the detailed rules in both the *Vibhaṅga* and the *Uttaragrantha(s)* requiring monks to accept permanent endowments of cash (*akṣayanīvī*) and to lend that cash out on

interest (Derge Ca 154b.3–155b.2 and Pa 265a.6–b.2)—both the rate of interest and the instructions to be followed in writing up the loan contract here are very close to what is found in *dharmaśāstric* sources, especially in *Yājñavalkya*.[14] And although in the *Vibhaṅga*, but not in the *Uttaragrantha(s)*, it is the monks themselves who are to lend out the money, draw up the contract, and service the loan, the *Kṣudrakavastu* contains a passage describing an arrangement, sanctioned by the Buddha, whereby a monetary deposit for the benefit of the monks is made by a layperson with a merchant, who in turn uses it as venture capital, the profit from which—how much is not specified—is to be distributed to the monks (Derge Tha 258a.3–259a.3). There is good inscriptional evidence for just such arrangements, especially from the Western Caves.[15] There are also references in our *Vinaya* to both monks and nuns making use of what might be called negotiable securities or promissory notes (*patralekhya, chags rgya*). Our *Vinaya* even distinguishes between two sorts of such notes and gives separate rules for dealing with each. The *Cīvaravastu* rules that when promissory notes come to the Community as a part of an estate, whatever is realized from those that can be quickly liquidated (*yacchīghraṃ śakyate sādhayituṃ*) must be distributed among the monks, [94] whereas those that cannot be so liquidated must be deposited in the strong room as property in common for the Community of the Four Directions (GMs iii 2, 143.7–.9). In the *Bhikṣuṇī-vibhaṅga* the nun Sthūlanandā all but forces a layman to give her a promissory note (*chags rgya*), which he is holding, as a "gift" for reciting the Dharma for him. Neither the practice nor the note is presented as problematic. The problem arises only when Sthūlanandā tries to collect on it. She goes to the debtor and demands quick payment. The debtor, apparently a little surprised, asks, "Do you, Noble One, own this (i.e., the note—*'phags ma khyod mnga' 'am*)?" Her answer—from the point of view of monks, nuns, and private property—is both interesting and unequivocal: She says, "I am the owner (*bdag dbang ngo*)." And this too is not problematic. The only problem is that the nun then threatens to take the man to court to collect on the debt—this, and this alone, is an offense against monastic rule, and even it is allowed, or at least involves no offense, if the nun is "one who earns with some difficulty" (*tshegs chung ngus khugs pa*—Derge Ta 123a.5–124a.2).

The final example of a financial instrument that we might note here is not formally contractual and requires a short excursus. Although the whole topic has received little attention, it appears that Buddhist monasteries in India, and Buddhist monastic communities of the sort envisioned in the *Mūlasarvāstivāda-vinaya*, were ideally suited to provide care to the old and infirm and to the sick and dying. There was, moreover, a distinct social need for such services, or at least the redactors of our *Vinaya* seem to have thought so. They seem to have thought that because of taboos concerning purity and pollution, brahmanical groups at least were not willing to provide services of this sort, even for their own. This much it

seems can be deduced, for example, from texts like one that is found in the *Śayanāsanavastu* (Gnoli) 13.24–.33. Here it is said that a young brahmin was staying in a hostel for young brahmins (*māṇavakaśālā*),[16] but he fell ill with vomiting and diarrhea. Rather than attend to him, however, the other brahmins, "from fear of pollution" (*aśucibhayād*), threw him out and abandoned him. It is only the Buddhist monks Śāriputra and Maudgalyāyana who, when they chanced upon him, "cleaned him with a bamboo brush, rubbed him with [95] white earth and bathed him." Because they also "taught" the Dharma for him—and here this almost certainly can refer only to a kind of deathbed recitation—he died in a good state of mind and was reborn in heaven. The function of Buddhist monks here is hard to miss—they, not one's fellow brahmins, care for the sick and dying.

This story, however, concerns a chance encounter. Buddhist monasteries, on the other hand, at least those envisioned by the *Mūlasarvāstivāda-vinaya*, were—unlike brahmanical hostels—ideologically, organizationally, and even architecturally suited to provide such services. Such monasteries not only would have had "infirmaries" but also would have had the manpower and organization to provide nurses and care to those who would otherwise not have them. The *Mūlasarvāstivāda-vinaya*, moreover, put a great deal of emphasis on just such services. We have already seen a rule that was designed to provide funding for such services for poor monks who could not themselves afford it, and this is not the only rule of this kind. Elsewhere (GMs iii 2, 128.1–131.15), when the Buddha himself finds another poor monk sick and "lying in his own urine and excrement," he does exactly what Śāriputra and Maudgalyāyana had done for the young brahmin—with his own hands he cleans and bathes the sick monk. He then gives orders to the monks:

> "Monks, apart from you, their fellow-monks, those who are sick have no mother, nor father, nor other relative. As a consequence, fellow-monks must attend to one another (*tasmāt sabrahmacāribhiḥ parasparam upasthānaṃ karaṇīyam*)! A preceptor (*upādhyāya*) must do so for his co-residential pupil (*sārdhaṃvihārin*); a co-residential pupil for his preceptor; a teacher (*ācārya*) for his disciple (*antevāsin*); a disciple for his teacher . . . etc., etc. One who is bereft of an assembly and little known (*alpajñāta*), to him the community must give an attendant monk after determining the state of his illness—one or two or many, even to the extent that the entire community must attend to him!"

This is a remarkable passage. If, for example, the roles of preceptor (*upādhyāya*) and teacher (*ācārya*) were ever conceived of primarily in terms of teaching functions, they certainly are not here. Here both roles are defined exclusively in terms of caregiving functions, and they are also so defined elsewhere in the *Mūlasarvāstivāda-vinaya*. Entering into the relationship of "preceptor/co-

residential pupil" or "teacher/disciple" is known as "entering [96] into dependence" (*gnas bcas pa*), and this is the one essential and indispensable relationship that every Mūlasarvāstivādin monk must enter into. The *Kṣudrakavastu*, for example, says that a monk can be without a recitation teacher (*klog pa'i slob dpon*), but not without a monk on whom he is dependent (Derge Tha 214a.6); in the same *Vastu*, monks are forbidden to travel without a monk in regard to whom they have entered into dependence; and numerous monasteries were said to have passed ordinances denying traveling monks who lacked such a supporting monk the right to accommodations for even one night (Derge Tha 71b.7–72b.4). And it is repeatedly said: "The Blessed One has ordered entering into dependence for the sake of assisting one another, and for the purpose of attending to the sickness of those who are ill" (*bcom ldan 'das kyis kyang . . . gcig gis gcig bstang zhing na ba'i nad g-yog bya ba'i phyir gnas bca' bar gnangs ba*—Derge Tha 213a.1)—not, be it noted, for the purposes of instruction.

These rules make, of course, for a very attractive arrangement, which if implemented would have provided for Mūlasarvāstivādin monks unparalleled security for long-term care. Given that this arrangement would have been embedded in a "permanent" enduring institution, there would have been nothing like it in early medieval India—these monks would have been very well looked after in their final days, and this, in turn, may have been a powerful motivating factor in an individual's decision to enter the order. It is at least notable that in the overwhelming majority of cases in our *Vinaya* in which a motive is given for individuals' becoming monks, that motive is connected with the fact that the individual concerned is either old or poor or without living relatives or sonless, and usually it is a combination of all four. Examples of this may be found throughout the *Mūlasarvāstivāda-vinaya*, in the *Vibhaṅga* (Derge Ca 90b.6, 61a.4), in the *Pravrajyāvastu* (Eimer ii 193), in the *Kṣudraka* (Derge Tha 100a.4, 114b.6; Da 138b.5), and so on.

There are, of course, parallels for some of the arrangements and facilities at least envisioned by the redactors of the *Mūlasarvāstivāda-vinaya*. David Knowles, for example, has said in regard to medieval England that "in the fully developed monastery of the twelfth century facilities for care of the sick were probably greater than in any other place in the kingdom."[17] But in the English case—indeed in much of medieval European monasticism—we know that such "facilities" came to be an important part of monastic [97] economies and important sources of revenue, by being made available, on a limited basis, not to the poor but to the rich laity. By a series of arrangements—none of which were precisely defined—"confraternity," "corrodies," entry "*ad succurrendum*," the old, the sick, and the almost certainly terminally ill were allowed the benefits of a monk and of the monastic facilities while they were alive, with the expectation, and sometimes formal

promise, that when they died, some, all, or a good share of their estates would go to the monastery.[18] Although the bald "exchange" or "purchase" nature of these arrangements was often muted in the documents that recorded them, the effect was not, and both the basic arrangement and the verbal vagueness seem to have a parallel in the *Mūlasarvāstivāda-vinaya*.

The parallel occurs again in the *Cīvaravastu* in a passage already referred to—it is the text that makes explicit reference to the use of a written will. It concerns a wealthy layman who, in spite of repeated attempts and repeated invocations of various gods, remains childless. As a consequence, the text says, he repudiates all the gods and comes to have faith in the Blessed One (*sarvadevatāḥ pratyākhyāya bhagavaty abhiprasannaḥ*—GMs iii 2, 139.20), though the transition here is rather abrupt. He approaches a monk and asks for admission into the order. The initial motivating factor is that the man is "sonless"; the implications are that he is also old; and—as we shall see—he is about to become seriously ill. The monk shaves the man's head and begins to give him the rules of training (*śikṣāpada*), but the rich man becomes ill, which creates an obstacle to his admission into the order (*pravrajyāntarāyakareṇa ca mahatā jvareṇābhibhūtaḥ*). Here it is hard to miss the hand of the monastic lawyer: whoever wrote this little narrative must have been fully aware that there were rules against admitting the sick into the order and deftly avoided that difficulty by having the man's illness become manifest only after the initial and most visible aspects of his admission—the shaving of his head—had occurred. The result, of course, was a thoroughly ambiguous situation from the point of view of monastic law, which involved the status of the "shaven-headed householder"—visibly a monk—who had not been fully admitted into the order. What obligations did the monastic community have in regard to such individuals? The monks, as was their usual practice in such ambiguous [98] situations, ask the Buddha—that is to say, our text would have been seen as providing a definitive solution. The Buddha rules that monastic care must be provided for the sick man (*upasthānam asya karaṇīyam*); he rules in other words that, in this regard at least, such an individual must be treated as a member of the community—Guṇaprabha, incidentally, makes this interpretation explicit.[19] But the Buddha then specifically adds that such an individual must not be given the rules of training until he recovers (*na tāvac chikṣāpadāni deyāni yāvat svasthaḥ saṃvṛttaḥ*—140.5), and the Buddha specifically rules that the monks themselves must attend to him. The Buddha's rulings in effect create a new category: a sick layman who has undergone the most visible act of admission to the order but who cannot, because of his illness, be fully admitted. The text goes on to indicate that the monks are obligated to attend to such individuals even if they are taken back to their own homes. This seems to clearly indicate that the redactor was fully conscious of the fact that he was inventing a new category. He says: "In regard to him [the sick householder]

the designation 'shaven-headed householder' arose" (*tasya muṇḍo gṛhapatir iti saṃjñā saṃvṛttā*—140.13).

The obligations of the monks to "shaven-headed householders" were then made matters of explicit monastic rules, but what of the obligations of the "shaven-headed householders" to the monks: what did they owe the monks? As in the case of medieval European monasticism, the language used in regard to this question is careful and ambiguous, avoiding any direct reference to sale or purchase. We move from a language of rule and obligation to a situation of unexpressed—but probably nonetheless definite—expectation. We are simply told that when the "shaven-headed householder" knew he was on the point of death, he drew up a will leaving all of his enormous estate to the monastic community, and we are explicitly told that the state itself (i.e., the king) confirmed the monastic community's rightful ownership of such an estate. The arrangement here was, then, not a formally contractual one; it was rather a matter of unstated but understood practice. A wealthy layman without heirs could undergo the initial and most visible aspects of the ritual of admission into the Mūlasarvāstivādin order. As a result, the monks [99] would be obliged to care for him, especially in his final days, even if he remained at home. He in turn was *expected*, though not contractually obligated, to leave his entire estate to the Community, and the state formally acknowledged the legitimacy of such an arrangement.

It is also worth noting that the redactors of the *Mūlasarvāstivāda-vinaya* seem to have anticipated that such an arrangement would or could have resulted in considerable amounts of cash or precious materials going directly to individual monks. This, again, would seem to follow from the provisions they put in place for dealing with specific forms of property or wealth that might form a part of such an estate. They stipulated, for example, that any *maṇi* gems, lapis lazuli, or conch shells included in the estate must be divided into two lots, one for the Dharma and one for the Community, and that, further, the Community's share must then be divided among the monks (GMs iii 2, 143.1). They stipulated that if the estate included any books or manuscripts containing non-Buddhist *śāstras* (*bahiḥ-śāstrapustaka*), those books must be sold (*vikrīya*) and the profit, again, divided among the monks (143.7). They stipulated too that any gold, money, or other precious metals, either worked or unworked (*suvarṇaṃ ca hiraṇyaṃ cānyac ca kṛtākṛtaṃ*), must be divided into three shares, and the share for the Community must again be divided among the monks themselves.[20] These provisions are completely in line, moreover, with a host of rules and practices throughout the *Mūlasarvāstivāda-vinaya*. In the passage already mentioned from the *Kṣudrakavastu* that deals with monetary deposits made by donors with merchants, the Buddha himself explicitly orders the monks to accept money (*kārṣāpaṇas*) from the merchants (Derge Tha 258a.3–259a.3).[21] In yet another passage from the *Kṣudrakavastu*, the Buddha him-

self also orders monks not to divide certain kinds of expensive cloth that is given to them, but he insists that the monks must first sell the cloth for money and then divide the money among themselves (*de lta bas na dge 'dun la gos kyi rnyed pa de lta bu grub pa gang yin pa de kār shā pa ṇa dag tu bsgyur la / kār shā pa ṇa dag bgo bar bya'o*—Derge Tha 263a.6). In the *Cīvaravastu*, again monks are told that they must divide the profits among themselves after they have sold (*vikrīya*) property that makes up part of the [100] estate of a deceased monk (GMs iii 2, 121.2; see also 119.14). In the *Kṣudraka*, the *Vibhaṅga*, and the *Uttaragrantha(s)*, finally, monks volunteer to act as "assistants for merit" (both the terms *puṇya-sahāya* and *dharma-sahāya* are used) on construction projects paid for by laymen and meant for the monks. In this role the monk receives the money (*kārṣāpaṇas*)—usually a substantial amount—from the laymen; hires, oversees, and pays the laborers; buys the necessary tools; and is told, for example, to use the construction funds for his food, that is to say, to buy it (*mkhar len byed pas mkhar len gyi nor kho na las bsod snyoms yongs su spyad par bya'o*—Derge Tha 193b.7; see also Derge Ca 146a.2–148a.6 and Pa 123a.7–124a.6; cf. GMs iii 4, 139.9).

There are, of course, rules in the Mūlasarvāstivādin *Prātimokṣa* that have been understood at least by modern scholars to forbid monks from engaging in almost all of these activities—handling "money," buying and selling, and so forth. And here we have a particularly interesting problem. It is almost certainly not safe to assume that the *Vinayadharas*, the monastic lawyers who compiled, shaped, and probably wrote the *Vinayavastus* and the *Vinayavibhaṅga*, were unfamiliar with their own *Prātimokṣa*, especially given that the *Vibhaṅga* is at least structurally based on it. But if the *Vinayadharas* knew their *Prātimokṣa*, then there would seem to be at least two possible explanations for what we have seen here. It is possible that the *Vinayadharas* chose to ignore the *Prātimokṣa*—and could so choose—indicating that it was much less binding and authoritative than has been assumed. At the very least we may have to look much, much more carefully at the differences and divergencies between the *prātimokṣas* and the other expository parts of the *vinaya*. Those differences may be much broader and more significant than even Schlingloff has said.[22] Certainly the differences between the Mūlasarvāstivādin *Bhikṣuṇī-prātimokṣa* and *Bhikṣuṇī-vibhaṅga*, for example, are so great that Bu-ston at least thought that the *Vibhaṅga* was not Mūlasarvāstivādin at all.[23] We may also have much to learn about the force and construction of monastic rules from medievalists working on Western monastic codes. Louis Lekai, for example, in discussing early Cistercian [101] monastic legislation has said: "The founders of Cîteaux assumed a peculiarly ambivalent attitude toward the Rule of Saint Benedict. They declared their utter devotion to it, but in fact they used that venerable document with remarkable liberality. They invoked and applied it when it suited their purpose, ignored or even contradicted it when they thought that they had better

ideas."[24] Even more helpful perhaps is what he says about the form of early Cistercian legislation:

> A further proof of both the tentative nature of new regulations and the broad-minded, always compromising disposition of the chapter fathers is the wording of virtually countless statutes before as well as after 1180. The beginning of such a paragraph is always a firm command or rigid prohibition, but the end lists the exceptions, often enfeebling the text to such an extent that it can hardly qualify for more than a fatherly advice.[25]

The last sentence in particular here could do good service as a description of the *Prātimokṣa* rules as they occur in the *Vibhaṅga*: they almost all begin with a "firm command or rigid prohibition" but end with a list of "exceptions" (*anāpatti*) which—in the Buddhist case as well—can render them little more than "fatherly advice." An example of this sort of thing has already been cited above, where the rule stated unequivocally that it is an offense if a nun goes to court to collect on a promissory note, but the exception, which immediately follows, says there is, however, no offense if the nun is "one who earns with some difficulty." In the Buddhist case it has been assumed or argued that these "exception" clauses represent a later chronological stratum,[26] but this need not necessarily be the case. In the case of the Cistercian texts, it is known that such exemption clauses were a part of the original legislation—they were there from the beginning—and their presence has been taken at least by Lekai as evidence for "a tolerant and flexible attitude" and, he says, should be taken not as "a sign of decay" but as "evidence of health and vitality."[27] In fact, we do not know for sure if in the early days the [102] *Prātimokṣas* were ever—apart from liturgical contexts—used without their *Vibhaṅgas*. It is at least hard to imagine that their rulings were ever actually applied without interpretation or discussion. But even if the *anāpattis*—the exemptions, exclusions, extenuations—turn out to be later additions, that will make them not less but even more important for tracking the development and gradual maturation of Buddhist monastic rules.

A second possible explanation for what we have seen—although this is rarely the explanation of our first choice—is that Mūlasarvāstivādin *Vinayadharas* may have known their texts far better than we do and applied to them a far more sophisticated exegesis than we can. The *Prātimokṣa* rule that has been taken to forbid the "handling" of "money" by monks may be a case in point. We do not actually know what activity is forbidden. The verb in the Sanskrit text of the Mūlasarvāstivādin *Prātimokṣa* is *udgṛhṇīyād*, but this has a wide range of possible meanings, none of which are very close to "accept" or "have" (this would be rather *pari* or *prati* √*grah*), and it has been translated in an equally wide range of ways.[28]

Worse still, we do not actually know what was intended or understood by *jātarūparajata*, the object of the action that was forbidden, which is conventionally translated as "gold and silver." What, however, is clear to even us—and we must therefore assume was far clearer to Mūlasarvāstivādin monastic lawyers—is that the rule does not refer to *suvarṇa* or *hiraṇya* or *kārṣāpaṇas* ("gold," "silver," "money"), and it is these things that monks own, accept, handle, and inherit in the *Vibhaṅga*, the *Vinayavastus*, and the *Uttaragrantha(s)*. This can hardly be an accident and must point again to the fact that *Vinaya* texts, like *Abhidharma* texts, represent a sophisticated system of thought that works from a particular and precise definition of terms. It, again, can hardly be an accident that what is called the "old commentary" that is embedded in the *Vibhaṅga* is—as Norman says of the Pāli *Vinaya*—"really an analysis of words (*pada-bhājanīya*)."[29] And conversely—even perversely—a part of [103] this sophistication may be an element of intentional ambiguity. Here too an observation by Lekai in regard to Cistercian texts may not be inappropriate: "In other cases the careful reader of the records may come under the impression that the wording of important statutes was made deliberately so vague or complicated that it left open a number of possible interpretations."[30] Unless I am much mistaken, this too will have numerous parallels in Buddhist *vinayas*. The Mūlasarvāstivādin rule that has been understood to mean that monks are forbidden to engage in "buying and selling" may be another case in point.[31] It does not refer to unqualified "buying and selling"; nor does it refer—which it could easily have—to "all" (*sarva*) "buying and selling." It refers to *nānā-prakāraṃ kraya-vikrayam*, which, of course, could mean "buying and selling of various sorts" or "buying and selling of many sorts." Neither interpretation precludes "all," but neither requires it either. Mūlasarvāstivādin exegesis, moreover, clearly did not take it to have absolute application. The *Vibhaṅga*, for example, says that there is no fault in engaging in both unqualified buying and selling if a monk is not seeking to gain (*dge slong gis rnyed pa mi 'dod pas nyo bar byed cing rnyed pa mi 'dod pas 'tshong bar byed na gnyis ka la ltung ba med do*; Derge Cha 156b.3).

But what can be learned specifically about the *Mūlasarvāstivāda-vinaya* from our larger discussion? We now know that the Buddhist monks who wrote or redacted it in early medieval North India did not share our assumptions about Buddhist monks and the renunciation of private wealth or property, and we—under the enormous influence of St. Benedict—think that this is an important element of any monastic ideal.[32] Those same monks also apparently did not have the same attitude that we do in regard to monks' involvement with money. They either knew monks who did, or wanted monks to do, all sorts of things that do not fit our assumptions: Pay debts and tolls and transport taxable goods; own their own furniture and have the means to pay for any damage they might do to that of other

monks; carry personal seals; pay for their own medicine and healing rituals; leave estates, sometimes huge; borrow money from laymen; inherit property [104] from both other monks and laymen; accept and service permanent endowments; make loans and charge interest; accept and use negotiable securities; provide care for sick and dying laymen, with the understanding that, when the layman died, his estate would go to the monastery; and receive precious and semiprecious materials, sell books, receive gold in various forms, accept money (*kārṣāpaṇas*), sell the property of deceased monks, hire and oversee laborers, and buy food. And this, of course, is only a provisional list of the sorts of things that Mūlasarvāstivādin monks were—in most cases—not only expected but also *required* to do by their own monastic rule. If they did not, then—at least in terms of monastic discipline—they would not be "good" monks. Exactly how many such "good" monks there were we obviously do not know, although it is at least certain that Indian monks accepted permanent endowments and monetary deposits made with merchants; it is also certain that some Indian monks had personal seals.[33] But whether all the things described in our *Vinaya* actually happened matters far less than the fact that Buddhist monks who were, presumably, the acknowledged authorities on monastic discipline spent a great deal of time thinking about them in North India in the early medieval period. These were—again presumably—monks who were in a position to influence actual communities, literate monks who were concerned with things other than asceticism, meditation, and doctrinal study, monks who, again in their own terms, were the "good" monks. That they had a different perspective from ours is confirmed by at least one further observation: Unlike modern scholars, these "good" monks did not have much good to say about monks who did engage in asceticism, meditation, and doctrinal learning. If they mention them at all—and they do so infrequently—it is almost always with a tone of marked ambivalence, if not actual ridicule. Ascetic monks, meditating monks, and learned monks appear in our *Vinaya* by and large only as slightly ridiculous characters in unedifying, sardonic, and funny stories or as nasty customers that "good" monks do not want to spend much time around.[34] [105]

The monks that the redactors of the *Mūlasarvāstivāda-vinaya* envisioned, and the monks that modern scholarship has imagined, are then radically different, and this difference is extremely important for the historian of Buddhism in India. The monastic ideal found in the *Mūlasarvāstivāda-vinaya*, for example, is almost certainly one of the most prominent monastic ideals that the authors of the Mahāyāna *sūtras* encountered, and much of what these Mahāyāna authors said is probably fully intelligible only as a reaction against this ideal. If we are ever to understand more about the Mahāyāna, we obviously are going to have to know, then, much, much more about what they were reacting to. This is our future task.

Notes

1. For some brief remarks on the "early" archaeological and inscriptional evidence for *vihāras*, see G. Schopen, "Doing Business for the Lord: Lending on Interest and Written Loan Contracts in the *Mūlasarvāstivāda-vinaya*," *JAOS* 114 (1994) 527–554, esp. 547–552 [= Ch. III below].

2. See the discussion and sources cited in G. Schopen, "The Bones of a Buddha and the Business of a Monk: Conservative Monastic Values in an Early Mahāyāna Polemical Tract," *JIP* 27 (1999) 279–324, esp. 292ff [= *FFMB* Ch. III]. That in fact *all* "les Vinayas parvenus à nous ont été rédigés à une époque tardive" was suggested already long ago by Wassilieff (W. Wassilieff, "Le bouddhisme dans son plein développement d'après les vinayas," *RHR* 34 [1896] 318–325), and this suggestion came as well to be seconded by S. Lévi ("Les éléments de formation du divyāvadāna," *TP* 8 [1907] 116–117).

3. S. Lévi, "Les saintes écritures du bouddhisme. Comment s'est constitué le canon sacré," in *Mémorial Sylvain Lévi* (Paris: 1937) 78, 80, 84; Ed. Huber, "Études bouddhiques. III—Le roi kaniṣka dans le vinaya des mūlasarvāstivādins," *BEFEO* 14 (1914) 18; M. Lalou, "Notes sur la décoration des monastères bouddhiques," *RAA* 5.3 (1930) 183. According to a notice published by L. de la Vallée Poussin in 1929, Lalou "travaille à l'*Analyse et Bibliographie du Vinaya des Mūlasarvāstivādins*, vaste compilation pleine de documents indispensables" (*Académie royale de belgique. Bulletin de la classe des lettres et des sciences morales et politiques* 5 série—T. 15 [1929] 366).

4. G. Schopen, "Marking Time in Buddhist Monasteries. On Calendars, Clocks, and Some Liturgical Practices," in *Sūryacandrāya. Essays in Honour of Akira Yuyama on the Occasion of His 65th Birthday* (Indica et Tibetica 35), ed. P. Harrison and G. Schopen (Swisttal-Odendorf: 1998) 157–179, esp. 171–172 and nn. 51–54 [= Ch. IX below].

5. K. Wille, *Die handschriftliche Überlieferung des Vinayavastu der Mūlasarvāstivādin* (Verzeichnis der orientalischen Handschriften in Deutschland, Suppl. Bd. 30) (Stuttgart: 1990).

6. See most recently S. Hiraoka, "The Relation between the *Divyāvadāna* and the *Mūlasarvāstivādavinaya*," *JIP* 26 (1998) 419–434 and the sources cited.

7. E. Frauwallner, *The Earliest Vinaya and the Beginnings of Buddhist Literature* (Serie Orientale Roma 8) (Rome: 1956) 194–195; Lamotte, *Histoire du bouddhisme indien* 187.

8. B. Jinananda, *Upasampadājñaptiḥ* (Tibetan Sanskrit Works Series VI) (Patna: 1961) 15.5; *Pravrajyāvastu* (Eimer) ii 142.13. The Tibetan version of this entire *vastu* is in part translated and in part closely—if not always correctly—paraphrased in A. C. Banerjee, *Sarvāstivāda Literature* (Calcutta: 1957) 100–186; see esp. 120.

9. A. C. Banerjee, *Two Buddhist Vinaya Texts in Sanskrit* (Calcutta: 1977) 32.17: *yaḥ punar bhikṣuḥ pūrvaṃ samanujño bhūtvā tataḥ paścād evaṃ vaded* [*yathā*] *saṃstutikayāyuṣmantaḥ sāṃghikaṃ lābhaṃ pariṇatam ātmanaḥ paudgalikaṃ pariṇāmayantīti pāyantikā* /.

10. Almost all the provisions of Mūlasarvāstivādin monastic inheritance law have been collected together and digested by Guṇaprabha at *Vinayasūtra* (Sankrityayana) 85.3–86.5 (= *'dul ba'i mdo*, Derge, bstan 'gyur, 'dul ba Wu 68a.2–69a.5—for the commentaries, see *Svavyākhyāna* Zu 126b.1–132b.7; *Ṭīkā* Yu 178a.6–185a.3; *Vyākhyāna* Ru 197b.7–200b.3;

Vṛtti Lu 250b.5–254a.4); also Bu-ston in his *'Dul ba pha'i gleng 'bum chen mo* (Collected Works, L. Chandra ed. Part 23) 'A 290a.2–295a.3, and now G. Schopen "Dead Monks and Bad Debts: Some Provisions of a Buddhist Monastic Inheritance Law," *IIJ* 44 (2001) 99–148 [= Ch. V below].

11. Cf. O. von Hinüber, "Vinaya und Abhidhamma," *StII* 19 (1994) 109–122.

12. The *Kṣudraka* text is discussed in some detail in G. Schopen, "Monastic Law Meets the Real World: A Monk's Continuing Right to Inherit Family Property in Classical India," *HR* 35 (1995) 101–123 [= Ch. VI below]—when this was written, I was not aware of the text in the *Uttaragrantha(s)*.

13. The *Cīvaravastu* text is translated—without notes—in G. Schopen, "Deaths, Funerals, and the Division of Property in a Monastic Code," in *Buddhism in Practice*, ed. D. S. Lopez Jr. (Princeton, N.J.: 1995) 498–500 [= Ch. IV below]. For the possible reference to a written will in the *Divyāvadāna*, see Schopen, "If You Can't Remember, How to Make It Up: Some Monastic Rules for Redacting Canonical Texts," in *Bauddhavidyāsudhākaraḥ*, 580 n. 27 [= Ch. XIV below].

14. On the *Vibhaṅga* text, see Schopen, "Doing Business for the Lord," 527ff—here again, when this was written, I did not know of the *Uttaragrantha(s)* text.

15. See, for example, E. Senart, "The Inscriptions in the Caves at Nasik," *EI* 8 (1905–1906) nos. 12 and 15, but see also no. 17, where an endowment of 100 *kārṣāpaṇas* is given *saṃghasa hathe*.

16. Gnoli prints *mānavakaḥ śālām*, but the facsimile clearly has *māṇavakaśālāṃ* (GBMs vi 948.2), and the Tibetan (Derge Ga 195a.3) *bram ze'i khye'u zhig gi khyim du*.

17. D. Knowles, *The Monastic Order in England. A History of Its Development from the Times of St. Dunstan to the Fourth Lateran Council 943–1216* (Cambridge, England: 1949) 477.

18. Knowles, *The Monastic Order in England*, 475ff; J. H. Lynch, *Simoniacal Entry into Religious Life from 1000 to 1260. A Social, Economic and Legal Study* (Columbus, Ohio: 1976) 26–36.

19. For the passage in question, we have a Sanskrit text for both the *Sūtra* and Guṇaprabha's auto-commentary, *pravrajitavat atra prārabdha-talliṅgaḥ* / . . . *yaḥ pravrajyārthaṃ muṇḍanādinā veṣamātreṇa yojitaḥ nādyāpi pravrājitaḥ sa pravrajitavat draṣṭavyaḥ* / *Vinayasūtra* (Bapat and Gokhale) 46.19. A few lines later Guṇaprabha actually uses the term *muṇḍagṛhapati*, and Bu-ston (*'Dul ba pha'i gleng 'bum chen mo* 'A 55b.5) gives our *Cīvara* text as Guṇaprabha's source.

20. In all three cases the wording is similar and explicit: *yaḥ saṃghasya sa bhikṣubhir vikrīya bhājayitavyaḥ* in the first and third cases; *bhikṣubhir vikrīya bhājayitavyāḥ* in the second.

21. In this case it is also made explicit that the money then belongs absolutely to the monks: *kār shā pa ṇa dag blangs nas ci 'dod par yongs su spyad par bya ste* /.

22. D. Schlingloff, "Zur Interpretation des *Prātimokṣasūtra*," *ZDMG* 113 (1964) 536–551.

23. C. Vogel, "Bu-ston on the Schism of the Buddhist Church and on the Doctrinal Tendencies of Buddhist Scriptures," in *Zur Schulzugehörigkeit von Werken der Hīnayāna-Literatur*, Erster Teil, Hrsg. H. Bechert (Göttingen: 1985) 110; and *Bu-ston. 'Dul ba dge slong ma'i gleng 'bum* (Ma'i) 'A 58b.5.

24. L. J. Lekai, "Ideals and Reality in Early Cistercian Life and Legislation," in *Cistercian Ideals and Reality* (Cistercian Studies Series 60), ed. J. R. Sommerfeldt (Kalamazoo, Mich.: 1978) 4–29, esp. 5.

25. Ibid., 17.

26. Schlingloff, "Zur Interpretation des *Prātimokṣasūtra*," 538 n. 22: "Diese 'Kasuistik' ist wohl der jüngste Teil des Vibhaṅga"; O. von Hinüber, *A Handbook of Pāli Literature* (Indian Philology and South Asian Studies 2) (Berlin: 1996) 14.

27. Lekai, "Ideals and Reality," 24.

28. The same verb occurs in a closely related rule, *Pāyantikā* 59: *yaḥ punar bhikṣu ratnaṃ vā* [*ratna*] *sammatam vā svahastam udgṛhṇīyād udgrāhayed vā* (L. Chandra, "Unpublished Gilgit Fragment of the Prātimokṣa-sūtra," *WZKS* 4 [1960] 8.6), and here can, it seems, mean only—and is almost always taken to mean—something like "pick up." See also the discussion in the *Bhaiṣajyavastu* dealing with *jāta-rūpa-rajata* where *prati√grah* and *ud √grah* are explicitly and clearly distinguished: *tasmāt śrāmaṇerakeṇodgrahītavyam / no tu pratigrahaḥ svīkartavyaḥ /* (GMs iii 1, 248.6–.16).

29. K. R. Norman, *Pāli Literature* (A History of Indian Literature Vol. VII, fasc. 2) (Wiesbaden: 1983) 19.

30. Lekai, "Ideals and Reality," 22.

31. For the Gilgit text of the rule, see Banerjee, *Two Buddhist Vinaya Texts in Sanskrit*, 29.20.

32. On Benedict's enormous influence on the study of monasticism and the conception of a monk, see S. Elm, *"Virgins of God." The Making of Asceticism in Late Antiquity* (Oxford: 1994) vii–viii, 1ff.

33. See, for example—and this seems to be the earliest example so far—R. Salomon, "Five Kharoṣṭhī Inscriptions," *Bulletin of the Asia Institute* (Studies in Honor of Vladimir A. Livshits) n.s., 10 (1996) 233–246, esp. 244–245. Salomon says: "These archaic features suggest an early date for this seal, possibly as early as the second century B.C."

34. As a sampling of such texts, see GMs iii 1, 79.3–84.2; Derge Ja 154b.2–156b.7; Tha 222b.2–224b.1; GMs iii 4, 71.6ff; GMs iii 1, 56.2ff; Derge Da 35b.2–36a.2; Tha 39a.6–39b.5; GMs iii 1, 56.20–57.18; Derge Ja 79b.7–80b.3; Tha 180b.1–181a.4, 71b.7–72b.4; GMs iii 2, 173.5–178.1; GMs iii 1, 55.8–56.19; and so on.

CHAPTER II

Art, Beauty, and the Business of Running a Buddhist Monastery in Early Northwest India

IT IS VERY DIFFICULT still to get an overview of Early North India—dates, dynasties, denominations, and deities there are still the subjects of sometimes unedifying debate. We work, of course, with what we have, and what we have are broken walls and tangled trenches, stray inscriptions and reused pots, coins, images out of context, and conclusions hanging by a thread. So much energy and erudition goes into sorting all these things out that important questions go unasked. We are usually so preoccupied with what is there that we often do not ask—do not even wonder—why it is. When, for example, so much of the raw data for North Indian numismatics comes from Buddhist monastic sites and ritual deposits, are we not obliged to ask why this is so—how is it that groups of ascetic, celibate men who were supposed to have renounced all wealth and social ties, left such largesse in the archaeological record; how is it that they, and sometimes they alone, lived in North India in permanent, architecturally sophisticated quarters, that they, and they alone, lived in intimate association with what we call art? Something is clearly wrong with this picture, and there is a good chance that we have not yet understood the people in North India who handled the coins we study or the pots we classify. As an example—and it is only that—of an important group of such people, it is perhaps worthwhile to try again to understand what exactly a Buddhist monk was in Early North India. We can do this now a little better because we now know a little better an important Buddhist monastic code that appears to have been redacted there. That the Buddhist monk in Early North India, and in this monastic code, did not look like the caricature found in modern scholarly sources will come as no surprise to those who know well what he left behind in his living quarters. The monk that we will see in this code is a construction fore-

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man, an art promoter, a banker, an entrepreneur, sometimes a shyster, and sometimes a saint—he should at least prove to be of some interest.

The monastic code in question—the *Mūlasarvāstivāda-vinaya*—has been known in one form or another for a long time now,[1] and although it was recognized early on that this code was compiled or redacted in Northwest India, the discussion of its date has been badly misdirected by a very red herring and the inattention of those who were supposed to be following the trail. In 1958 the great Belgian scholar Étienne Lamotte declared that this *Vinaya*, or Code, was late, that "one cannot attribute to this work a date earlier than the 4th–5th Centuries of the Christian Era."[2] This pronouncement—even at its inception based on very shaky grounds—still proved almost fatal, for Lamotte himself was forced by his own further work to change his position—and he did so several times—but few scholars seem to have noticed. By 1966, Lamotte was in fact referring to the *Mūlasarvāstivāda-vinaya* as a source of information for the first or second century of our era.[3] Ironically, other scholars then, and for a long time after, continued to quote only the Lamotte of 1958.[4]

The changes in Lamotte's views—which he never explicitly acknowledged—brought them eventually into conformity with the views of others who had specifically addressed the issue and been ignored, and today, it seems, the views of the Italian Raniero Gnoli hold the field. He said in 1977: "However, one point seems certain to me: the date of the compilation of the *Vinaya* of the MSV is to be taken back to the times of Kaniṣka."[5] And, but for a few quibbles, this would seem fine. Gnoli, as others before him, relies in part for his dating on the fact that one section of this Code—in a passage preserved in the Sanskrit manuscript from Gilgit—refers both to Kaniṣka by name and to the *stūpa* of Kaniṣka at a place it calls Kharjūrikā.[6] This passage in turn forms a part of what Sylvain Lévi long ago called "un véritable *māhātmya* du Nord-Ouest de l'Inde."[7] Both the presence of Kaniṣka's name, and the *māhātmya* as a whole, have been taken as interpolations "which tend to show that the *Vinaya* of the Mūlasarvāstivādins had undergone a rehandling around the beginning of the Christian Era."[8] But if the *māhātmya* containing the reference to Kaniṣka is an interpolation made at somewhere near his time, or if this *Vinaya* underwent a rehandling or redaction—"un remaniement"—around the beginning of the Christian era, it seems fairly obvious that it must have existed in some form or in some part even before that time. And there are other indications of this as well.

It is of course neither possible nor desirable to enter here into all the specifics, and it must suffice to simply note that the more we learn about the contents of this Code, the clearer it becomes that it explicitly deals, often in great detail, with specific religious and monastic practices, ideas, and motives that we know from epigraphical and archaeological sources were also current in North India both be-

fore and after the rise of the Kuṣāns, that it uses the same titles for learned monks and certain kinds of laymen, and describes—often again in great detail—some of the same elements of material culture that we find there. A Kharoṣṭhī inscription from Bahāwalpur and dated in the early years of Kaniṣka, for example, illustrates in a single instance several of these shared elements. It records that a monk named Nāgadatta, who is called a *dha[rma]kathi*, "a Narrator of the Dharma"—a title or office repeatedly referred to in the *Mūlasarvāstivāda-vinaya*[9]—"raised the staff" (*yaṭhiṃ aropayata*), that is, inaugurated a *stūpa*, for "the Owner of the Monastery" (*viharasvamiṇi*) Balānandī. Not only is the title *vihārasvāmin* repeatedly found in the *Mūlasarvāstivāda-vinaya*, where it designates the key lay figure in Mūlasarvāstivādin monasticism,[10] but this Code also contains an explicit reference—using virtually the same expression—to a monk's obligation to be in attendance at "the raising of the staff" (*yaṣṭyāropaṇa*).[11] There is, moreover, a whole series of pre-Kuṣān Kharoṣṭhī inscriptions—all securely dated to the very beginning of the Common Era—which record that individuals deposited relics at "a previously unestablished place" (*apratithavita-prubami padbavi-pradeśami*), and in one case this action is specifically said to result in "the merit of Brahmā" (*brammapuñ[o] prasavati*).[12] This idea of establishing relics at previously "unconsecrated" places, an idea that appears to have motivated the actual behavior of a number of highly placed individuals in pre-Kuṣān North India, is again explicitly stated in our *Vinaya* in *exactly* the same language (*apratiṣṭhitapūrve pṛthivīpradeśe*) and is explicitly stated there to result in "the merit of Brahmā" (*brāhmam puṇyam prasavati*), raising the possibility at least that our *Vinaya* is actually being quoted in this record.[13] There are as well early Kuṣān records that refer to learned monks as *trepiḍakas*, "those who know the Three Baskets,"[14] and this title too repeatedly occurs in the *Mūlasarvāstivāda-vinaya*.[15] There is a series of records that describe religious acts undertaken by monks and "co-residential pupils" (*sārdhaṃvihārin*) for the purpose of each other's health (*arogadakshinae*),[16] and this is a characteristically Mūlasarvāstivādin idea prominently enshrined, for example, in its ordination formulary, where it is said that a newly ordained monk must be told: "You must, from this day forward and for as long as he lives, nurse your Preceptor. Your Preceptor too must attend to your illnesses until you are dead or cured."[17] In fact, the Preceptor/disciple relationship is defined almost exclusively in this Code in terms of mutual caregiving.[18] There are, finally, the Tōr Ḍherai inscribed pot fragments that refer not only to another *vihārasvāmin* but also to a *prapa*, a "hall for providing water" in a monastery,[19] and our *Vinaya* again has *very* detailed rules governing both the construction and the use of what appears to have been just such a "hall."[20]

Material of this sort—and as we will continue to see, there is a great deal of it in this enormous *Vinaya*—would appear to place this Code on the cusp of an era: many of the sorts of things it refers to are attested in the archaeological and

epigraphical records of North India both before the Kuṣāns and in the early Kuṣān period itself. It seems to span what may in any case be something of an artificial divide. But at least one more shared linkage between our monastic Code and the Northwest is worth citing because, if for no other reason, it concerns one of our most important sources of knowledge for pre-Kuṣān and Kuṣān North India.

Nobody really knows where the idea of using what we call "donative inscriptions" came from in South Asia or why the Buddhists started to use them—and they were certainly the first to use them on any scale. But Emile Senart, one of the early and great masters of Indian epigraphy, recognized a long time ago that at least one of their characteristic features originated in the Northwest. He said in 1890: "It is in the Northwest that developed votive formulae first appear,"[21] and little has appeared since that would affect this observation. Given that such developments occurred in the Northwest, and that the Northwest is so comparatively rich in early inscriptions, it is again probably not coincidental that our monastic Code has a good deal to say about what we would call inscriptions, and it is—to my knowledge—the only such Code that does.[22]

Some of what our Code says about inscriptions is a little startling—even outrageous—and a glance at it not only will therefore serve the purpose of telling us something about monastic conceptions of inscriptions but also might introduce the uninitiated to the style, verve, and sometimes droll humor of this Code, as well as to the monastic world out of which it comes. The first text we might look at involves putting restrictions on the monastic use of inscriptions and tells the story of how the bowl of the famous monk Aniruddha ended up in a whorehouse.

Aniruddha, according to the text,[23] had a young disciple who looked after his bowl. But because the young disciple washed both his own and Aniruddha's bowl together, they often got confused, so the disciple wrote on Aniruddha's bowl: "The bowl of the Preceptor Aniruddha" (*des tshe dang ldan pa ma 'gags pa'i lhung bzed la slob dpon ma 'gags pa'i lhung bzed ces yi ge bris so*). Once, however, both went to a fine meal at the house of a layman. After the meal, Aniruddha left, but the disciple stayed behind to wash their bowls. While he was doing so, the layman asked to borrow a bowl so he could send some of the fine food to his favorite prostitute, and the disciple gave him Aniruddha's bowl. The layman filled it with food and sent it to his favorite whore. When she poured out the food, she saw the writing on the bottom of the bowl (*lhung bzed kyi zhabs la yi ge 'dug pa mthong nas*). When she read it—the text points out that for a woman she was clever—she thought to herself, "It is not right for me to desecrate in this way the bowl of that Noble One who is worshiped by gods and men," and she rubbed it with perfume, filled it with sweet-smelling flowers, and placed it on a painted stand (*khri'u tshon gyis bris pa*). It was, of course, bad enough that a famous monk's bowl ended up in a private shrine in a whorehouse, but more was yet to come.

When another of her customers arrived "bringing five hundred *kārṣāpaṇas*, perfume and garlands" and wanted to get right down to it, she put him off: "Wait a minute—do worship to the bowl!" He replied, "Where did this bowl come from? Whose is it, anyhow?" She told him as much as she knew, and he misunderstood even that, accusing her, in effect, of servicing renouncers (*pravrajita*). She, of course, denied what he implied, but the damage was done.

This little tale, written by a monk for other monks and bordering on burlesque, is used to justify the rule that "monks must not write what is not meant to be written!" (*de lta bas na dge slong dag mi bri ba ma bri shig*), which includes "what pertains to separate individuals" (*gang zag so so; paudgalika*)—that is to say, a monk should not inscribe his private property. This rule, of course, makes writing some of the sorts of inscriptions that we actually find—notably on the shards from the Buddhist levels at Mohenjo-daro—an offense, but it was clearly a minor offense, and such inscriptions are in any case surprisingly rare.[24]

A second text from our *Vinaya* that deals with inscribing objects also deals with a potentially embarrassing situation for the monastic order.[25] In this text it is said that a householder had or owned two *vihāras* (or monasteries), a forest *vihāra* and a village *vihāra* (*khyim bdag gcig la gtsug lag khang dgon pa dang / grong mtha' pa gnyis yod nas*).[26] The village *vihāra* was well and abundantly furnished, but the forest *vihāra* was not. On the occasion of a festival (*dus ston*), the forest monks wanted to borrow furnishings, bedding, and seats from the village monastery, but the village monks refused. The Buddha intervened and ordered that they must be lent. But the text does not end here, although a clear ruling had been established, because, it seems, the real issue had not yet been engaged.

The text goes on to say that at the end of the festival the forest monks thought to themselves: "This (forest) *vihāra* too belongs to that (same) householder" (*de dag gtsug lag khang 'di yang khyim bdag de'i yin no*), and they therefore did not return the goods. The Buddha again intervened and declared, however surprisingly, "They must be brought back by force!" (*mthus dgug par bya'o, balād . . . grahaṇam*). There is absolutely no doubt that this is what the text says; the same exact expression is also used elsewhere in this Code in regard to the recovery of goods.[27]

But the text even here is not yet finished, although a second clear and forceful ruling had also been established. The real issue comes—as it usually does in these texts—at the end, when the monks could not tell which goods belonged to what monastery:

> The Blessed One said: "Write on them 'these furnishings belong to the forest monastery of the householder so-and-so,' 'this belongs to the village monastery,' and as these furnishings are clearly identified, so they are to be used!" (*bcom ldan 'das kyis bka' stsal pa / gnas mal 'di ni khyim bdag che ge mo zhig gi dgon pa'i gtsug lag*

> *khang gi yin no / 'di ni grong mtha'i gtsug lag khang gi yin no zhes yi ge bri zhing gnas mal ji ltar nges par byas pa bzhin du longs spyad par bya'o).*

Although the two texts so far cited occur in two completely different sections of our Code—one in the *Uttaragrantha* and the other in the *Vibhaṅga*—the second text is clearly a pendant to the first: the latter indicates that by monastic rule a monk's private property should not be inscribed; the former that property belonging to a monastery should be. A third and here final text, however, goes beyond both.[28] It rules that the name of the donor must be inscribed on the object given and, in fact, puts in the mouth of the Buddha himself a donative formula that is virtually identical to some of what we find in actual North Indian donative inscriptions.

The text says that after King Ajātaśatru, who had been misled by the evil monk Devadatta, had killed his father, he wept whenever he saw his father's furnishings (*mal gos*). His advisers suggested that he should therefore give them to the Community of Monks, which he did. The monks, however, arranged them in the entrance hall (*sgo khang, dvārakoṣṭhaka*) of the monastery and thus defeated the purpose, for whenever the king visited the monastery, he saw them and once again wept. The Buddha then said that the furnishings must not be arranged in the entrance hall, so the monks first put them in an upper room (*yang thog, aṭṭāla*), but that did not work either, and so they put them in a residential cell (*gnas khang, layana*), and this turned out to be even worse. When "unbelievers" no longer saw the furnishings, they began to criticize the Community, saying "since these monks have surely sold or made away with the king's furnishings, merit from giving to them disappears!" (*ma dad pa dag gis rgyal po'i mal gos ni dge slong dag gis nges par btsongs te zos pas na / de ste phul ba'i bsod nams mi snang ngo zhes dpyas pa /*).[29] This of course would not do, and the Buddha then ordered that the furnishings be periodically displayed, but this served only to confuse the Community's critics because sometimes they saw the goods and sometimes they didn't. This whole comedy of errors—and countless texts in this *Vinaya* are structured as such—finally results in the definitive ruling. The Buddha, in the end, said simply to the monks: "You must write on the ends: 'This thing is a religious gift of King Bimbisāra' and display it!" (*yon du phul ba'i dngos po 'di ni rgyal po gzugs can snying po'i yin no zhes mtha' ma la yi ger bris te zhog shig /*).

Fortunately we have a Sanskrit text too for what the Buddha ordered should be written. In his *Vinayasūtra*—a digest of our Code—Guṇaprabha gives it as *deyadharmo 'yam amukasya*,[30] and if we bracket the ever expanding "pious wishes," this is almost exactly what we find, for example, on some of the inscribed pots recently published by Richard Salomon in his remarkable book on the British Library Scrolls: [*a*]*yaṃ pānaya ghaḍe deyaṃdharme va*[*sa*]*vadatae susomabharyae* . . .

("This waterpot is the pious gift of Vasavadata, wife of Susoma . . .") or *aya pa[ni]ya ghaḍae hastadatae teyavarmabharyae deyadharma* . . . ("This waterpot is the pious gift of Hastadata . . . wife of Teyavarman . . .").[31] This is also very much like what we find—as Gérard Fussman has shown—on the Shah-ji-ki Dheri casket inscription: *ayaṃ gaṃdha-karaṃḍe deyadharme . . . mahasenasa saṃgharakṣidasa* . . . or on the Tōr Ḍherai shards, which share as well, as we have seen, a number of other features with our *Vinaya*: *shahi-yola-mirasya viharasvamisya deyadharmo yaṃ prapa*. . . .[32]

We have here, it seems, a remarkable congruence between text and epigraph, and yet another indication that what was stated as a rule in the *Mūlasarvāstivāda-vinaya* was actually being practiced before, on, and after the cusp of our era in Northwest India. And a few further things might be noted here. First, it is immediately obvious that the "donative formula" found in the text is, by comparison with what occurs already in the earliest inscriptions, rather undeveloped, and this might suggest that the text is therefore even earlier. Second, it is clear, but probably not so obvious, that the text, though undeveloped, already carries the seed of what will grow into full-blown formulae for the "transfer of merit." In the text it is explicitly indicated that the gift is actually given by Ajātaśatru, but the Buddha himself says that it should be inscribed as the gift of Bimbisāra, his dead father. Indeed, given the ambiguity and overlap between the genitive and dative cases not only in Sanskrit and Prakrit but in Tibetan as well, the text could just as well be translated as "You must write on the ends: 'This thing is a religious gift *for* King Bimbisāra.'" Finally, it is perhaps significant that the text I have treated here is not the only such text in our Code. Another similar one immediately follows it. The idea, it seems, was worth repeating.[33]

What we have seen so far of the *Mūlasarvāstivāda-vinaya* would seem, then, to provide good grounds for asserting both a broad contemporaneity and a close if not intimate connection between much of what it contains and the religious world of pre-Kuṣān and Kuṣān North India that is reflected in the epigraphical and archaeological records. This, of course, might not have been entirely unexpected. We know from even old inscriptions that the Sarvāstivādins were widely spread across Northwest India in these periods,[34] and our Code, or *Vinaya*, is by its title either "*the Original Vinaya of the Sarvāstivādins*" or "*the Vinaya of the Original Sarvāstivādins*," depending on how the compound is read. In fact, the apparent contemporaneity between it and early Northwest practice may actually give substance to the claim embedded in its title.[35] But our Code in any case also provides us with a glimpse into the Buddhist monastic world out of which it comes, and it already indicates how far removed this world is from that presented in popular works and textbooks and even in otherwise good scholarly work. The Buddhist monk we see even in the few passages so far cited from this Code has little in common with the Buddhist monk who lives in the Western imagination—the ascetic monk who

wanders alone "like a rhinoceros" in the forest, sits at the root of a tree in deep meditation, and has cut all ties with the world. If this monk ever existed, by the time of our Code he would certainly have been an exception, and by no means a popular one.

Forty years ago André Bareau said not just about our Code but about all Buddhist monastic Codes: "It is true that the Vinayapiṭakas . . . do not breathe a word about the numerous spiritual practices, meditations, contemplations, etc., which constituted the very essence of the Buddhist 'religion.'"[36] And although this is something of an exaggeration, still it should have given all pause for thought. Our Code, for example, does refer to ascetic, meditating monks, but when it does so in any detail, such monks almost always appear as the butt of jokes, objects of ridicule, and—not uncommonly—sexual deviants.[37] They are presented as irresponsible and of the type that give the order a bad name.[38] There are texts in our Code where, for example, ascetic, cemetery monks manage only to terrify children;[39] where ascetic monks who wear robes made from cemetery cloth are not even allowed into the monastery, let alone allowed to sit on a mat that belongs to the Community;[40] tales whose only point seems to be to indicate that meditation makes you stupid;[41] texts about monks who meditate in the forest and cannot control their male member and so end up smashing it between two rocks, whereupon the Buddha tells them, while they are howling in pain, that they, unfortunately, have smashed the wrong thing—they should have smashed desire;[42] and a tale about another monk who meditated in the forest and, to avoid being seduced by a goddess, had to tie his legs shut. The goddess being put off by this then flung him through the air, and he landed—legs still tied—on top of the king, who was sleeping on the roof of his palace. The king, of course, was not amused and made it known to the Buddha that it would not do to have his monks being flung around the countryside in the middle of the night. The Buddha then actually made a rule forbidding monks to meditate in the forest![43] Texts and tales of this sort are numerous in our Code.

The monks with whom our Code is concerned are of a very different sort, as even our brief survey indicates. In the passages so far cited, we find monks who have servants and who do not even have to wash their own dishes; monks who eat fine meals in the homes of prominent laymen; monks who are concerned not about meditation but with property, with marking and maintaining control or possession of property, and who have and acknowledge personal property. Moreover, the monks with whom our Code is concerned live—whether in the forest or in the village—in monasteries that are owned by laymen, and it is becoming ever clearer on the basis of this Code that that meant that the monks were in at least some important ways in the employ of their donors. There are rules in this Code that require, for example, that monks—regardless of their own wishes—must spend a part of each day in any *vihāra* that has been "donated," to ensure that none stands

empty, that all are used, and thus to continue to earn merit for their owner, even if a single monk has to move from one to another in the course of the same day.[44] There are rules that require the monks to recite verses every day for the merit of not only the owner of the monastery but also each and every donor or benefactor, and each of their individual names must every day be announced—this in a monastery of any size could easily have taken up a significant part of the day.[45] There was, however, an even more serious problem in this "employment," a systemic problem of far-reaching consequences that involved our monks—and early on it seems—in money transactions, sophisticated financial enterprises, the promotion of "art," and extensive fund-raising projects. It created situations that, for example, the administrators of the Nelson-Atkins Museum of Art, or any institution, might find uncomfortably familiar.

The problem most simply put was this: whereas, as we have seen, the obligations of the monks who lived in their monasteries were reasonably clear and enforceable, the obligations of the owner or donors were much less so. Aspects of the problem are repeatedly addressed in our Code, particularly the problems of the maintenance and upkeep of the "physical plant" and the subsistence of its residents. The problem of monasteries falling into disrepair is explicitly raised—for example, in the *Śayanāsanavastu*, "the Section on Bedding and Seats" in our Code, but the solution proposed there must have been something less than satisfying. There the Buddha says:

> The donor should be encouraged to make repairs (*dānapatir utsāhayitavyaḥ*). If just that succeeds, it is good. If it does not succeed then they are to be repaired with Community assets (*sāṃghika*). If that is not possible, insofar as it is possible, to that extent restoration is to be done. The rest must be tolerated (*anye tv upekṣitavyāḥ*).[46]

Passages of this sort suggest that the redactors of our Code understood that "donors" were not, strictly speaking, obliged to maintain their monasteries and could only be encouraged to do so. But these passages also suggest that there was an awareness, if not an expectation, that the donors might not. Other passages in this same *Vastu*, however, suggest as well that in regard to the related problem of subsistence the monks might vote, as it were, with their feet.

In one such passage,[47] for example, a householder goes to a monastery and hears the Elder of the Community reciting verses and "assigning the reward or merit" (*dakṣiṇām ādiśat*) to its deceased (*abhyatītakālagata*) donors.[48] He says to the monk: "Noble One, if I have a *vihāra* built, would you assign the merit to my name also?" (*ārya yady ahaṃ vihāraṃ kārayāmi mamāpi nāmnā dakṣiṇām uddiśasi*). The monk says yes, and the householder has a *vihāra* built, "but he gave nothing

to it and it remained unoccupied" (*tatrānena na kiṃcid dattam sa śūnya evāvasthitaḥ*). The householder sees this and goes to complain to the monk: "Noble One," he says, "my *vihāra* (*madīyo vihāraḥ*) remains empty. No monk resides there." The monk says, "Sir, it should be made productive (*utsvedya*)." The householder initially misunderstands this euphemism and replies, "But, Noble One, it was built on sterile saline soil. How is it to be made productive?" To which the monk says: "Householder, I did not mean that, but rather that there was no donation (*lābha*) there." The householder says: "Noble One, who now resides in my *vihāra* (*madīye vihāre*), to him I will present cloth."

Monks could, then, in effect try to force the owner of a *vihāra* to provide for their maintenance by withdrawing or refusing to provide their services, but this of course could be a two-edged sword, and if they tried it, they might find themselves not only out of business but also without a home. Moreover, yet another structural weakness arose from the fact that donors—like the rest of us—died, and the redactors of our Code were clearly aware of what this could mean. More than one text in our Code begins with just such a situation. In a passage in the *Vinayavibhaṅga* that we will return to, we find, for example:[49]

> A devout and good householder with meritorious inclinations lived in a rural hamlet. He had a *vihāra* for the Community built in the forest that had lofty gateways and was ornamented with open galleries on the roof, latticed windows, and railings. It captivated both the heart and the eye, was like a stairway to the heavens, and had exquisite couches, benches, and furnishings.[50] The householder provided robes, alms, and all the needs of the sixty monks who lived there.
>
> But later that householder died. Because he had a son, the monks went to him and said: "Seeing, Sir, that your father had provided robes, alms, and all the needs of sixty monks, are you able as well to provide us, the sixty monks, with robes, alms, and all our needs?"
>
> The son said: "Noble Ones, although there are some who might look after a hundred, a thousand, or even a hundred thousand, because there are others, myself included, who have difficulty making ends meet, I am not able to do it."
>
> The monks then left that *vihāra*.

In the event of the death of a donor, then, the lack of clarity in regard to his obligations while alive that has already been noticed became even more pronounced in regard to the donor's heirs. The text here suggests that the redactors of our Code considered that the initial response of the monks to such an event should be to approach the heir or heirs to get a confirmation that any arrangement that the donor had entered into would continue. But it also suggests that there was a clear awareness that the heirs might—and had the right to—simply terminate any such

arrangement. In fact, the death of an owner or donor created an awkward situation. The obligations of the monks to a dead donor had been put unequivocally into the Buddha's mouth: "The Blessed One said: 'Merit must be transferred to donors who have passed away and are dead!'" (*uktaṃ bhagavatā abhyatītakālagatānāṃ dānapatīnāṃ nāmnā dakṣiṇā ādeṣṭavyā iti*).[51] The Buddha had been made to declare just as explicitly that all *vihāras* must be used. But without some provision having been made for the maintenance of both the physical monastery and any resident monks, neither would have been possible after the donors' death, even though donors might have acted on the expectation that it would. The redactors of our Code, moreover, would have us believe that this concern was explicitly articulated by donors themselves, and that it was in response to their voiced concern that the monks had begun to accept considerable sums as "permanent endowments" and to lend those sums out on interest. At least this is how these practices were justified in one of the two texts in our *Vinaya* that deal with them.

The *Vibhaṅga* text in question, which has been treated in some detail elsewhere, opens by saying:[52]

> At that time the Licchavis of Vaiśālī built houses with six or seven upper chambers. As the Licchavis built their houses, so too did they build *vihāras*. . . . As a consequence, because of their great height . . . they fell apart. When that occurred, the donors thought: "If even the *vihāras* of those who are still living . . . fall thus into ruin, how will it be for the *vihāras* of those who are dead? We should give a perpetuity to the monastic Community for building purposes."

The donors did give such a perpetuity and then encouraged the suitably reluctant monks to lend the sums they were given as endowments out on interest. The monks asked the Buddha and the Buddha said: "For the sake of the Community a perpetuity for building purposes must be lent on interest." A little later in the text this directive is extended to perpetuities for the benefit of the Buddha, the Dharma, and the Community. The text then concludes with one of the more remarkable pieces of *buddhavacana* that we have, a saying of the Buddha giving detailed instructions on how to make a loan and how to write a written loan contract:

> The Blessed One said: "Taking a pledge of twice the value (of the loan), and writing out a contract that has a seal and is witnessed, the perpetuity is to be placed. In the contract the year, the month, the day, the name of the Elder of the Community, the Provost of the monastery, the borrower, the property, and the interest should be recorded. When the perpetuity is to be placed, that pledge of twice the value is also to be placed with a trustworthy lay-brother who has undertaken the five rules of training.

Such a financial instrument or legal device is, of course, at least one viable solution to the problem of institutional maintenance over time, and this sort of thing—like the legal concept of a "juristic personality"—was very likely pioneered by Buddhist monastic communities. There is in fact inscriptional evidence for the use of such instruments by Buddhist monastic communities from as early as, perhaps, the first century of the Common Era, but unfortunately not from the Northwest.[53] This fact, however, must be tempered by the further fact that records of endowments or land grants, for example, are extremely rare—if they occur at all—in the pre-Kuṣān and Kuṣān epigraphical record from the Northwest. If such transactions occurred there, and it is hard to imagine that they did not, it appears that they were simply not recorded in inscriptions.

But in addition to permanent endowments and to lending money on interest, our Code also suggests that the monastic communities it knew or envisioned could also borrow money. We know this from a remarkable provision of what can only be called Mūlasarvāstivādin monastic inheritance law. Because the text involved is a short one and until recently virtually unknown, it is quoted here in full:[54]

> The setting was in Śrāvastī.
>
> A monk who was the Service Manager (*zhal ta byed pa*, *vaiyāpṛtyakara*) borrowed money (*nor*) from a householder for the sake of the Community and then died. When the householder heard that that monk had died, he went to the *vihāra* and asked: "Where is the monk so-and-so?"
>
> The monks said: "He's dead."
>
> The householder said: "But, Noble Ones, he borrowed some money from me."
>
> "Well, go and collect it from him then!" the monks said.
>
> "But since it was not for the sake of his parents or himself, but for the sake of the Community that he took it, you should repay it!"
>
> The monks reported to the Blessed One what had occurred, and the Blessed One said: "If it is known that he took it for the sake of the Community, then the Community must repay the loan! I, monks, will here give the rules of customary behavior for a monk like the Monk in Charge of Construction (*las gsar du byed pa*, *navakarmika*): When the Monk in Charge of Construction has asked the various Seniors (*rgan pa*), then he must take out loans! If Monks in Charge of Construction do not act in accordance with the rules of customary behavior, they come to be guilty of an offense."

Here we have put into the mouth of the Buddha—the same Buddha who is said to have declared that "all things are impermanent"—specific instructions detailing how a monastic officer must, after consultation with the senior monks, take out a loan from a layman for the use of the monastic community. Obviously,

if we chose—as most scholars have—to take the one type of declaration seriously, but the other not, then we are going to be in no position to fully understand the buildings that followers of that same Buddha built, nor the pots they used, nor the money that they handled. Indeed, there may be for us a further cautionary tale in that the *navakarmika*, the monk who was not only in charge of construction but who was also to take out loans, is probably the earliest monastic officer for which we have epigraphical evidence,[55] and in the fact that just such an officer is mentioned in four separate pre-Kuṣān and early Kuṣān Kharoṣṭhī inscriptions from the Northwest.[56]

To this point, then, it seems that we can at least conclude that the redactors of our Code, who probably lived in Early Northwest India, were looking for ways, and devising means, to secure access to funds and reliable sources of income that would ensure the continuation of the institution to which they belonged, and the maintenance of the physical plants that housed it. In the process they, like so many successful fund-raisers who came after them, seem to have discovered what St. Bernard in eleventh-century France still found disconcerting. Bernard did not like elaborate monastic architecture, nor art in monasteries. He particularly did not like what he thought other monks used them for. He argued, in fact, that art and fine architecture were being used to attract donations to the monasteries, and he thought that because, very probably, they were. But in his exasperation he said: "In this way wealth is derived from wealth, in this way money attracts money, because by I know not what law, wherever the more riches are seen, there the more willingly are offerings made."[57] This same principle, or quirk of human psychology, seems—as I have already said—to already have been discovered by the redactors of our Code. They at least included in their compilation a significant number of texts that suggest that. Here we can look only at a few.

Our Code refers to beautiful monasteries in beautiful settings, to paintings on monastery walls and on cloth, and to a specific image type, one example of which, from Sahri-Bahlol, must surely be one of the most beautiful images in all of Gandhāran art.[58] But in virtually every case these references refer as well—in one way or another—to the gifts and donations that such things generate. Even in a case that might at first sight seem to be an exception to this, it turns out to be true. In a text that we have already seen, for example, an elaborate monastery with "lofty gateways" and "ornamented with open galleries on the roof," a monastery that explicitly "captivated both the heart and the eye," is abandoned after the death of its donor. But not—the text goes on to say—for long. When "merchants from the North Country" see this beautiful monastery and discover that its monks have left, they promptly re-endow it on an even more lavish scale. They say to two old monks that they find there:[59]

> Noble Ones, here is alms for three months for sixty monks. Here is alms for the festival of the eighth day, and for the fourteenth day, and the fifteenth day. Here are the requisites for medicines for the sick, a general donation, the price for robes. . . . When the rainy season is over, we will return and provide for the needs of a hundred monks.

Narratively, the merchants can be responding only to the beauty and elaborate character of the monastery, not to what the monks are or do—there are in fact no permanent resident monks there, and this interpretation is, as we will see, explicitly confirmed elsewhere. The message here in a tale told by monks to other monks must have been clear: If you want to have a monastery that can survive the death of its donor, then it too must be capable of captivating the heart and the eye—not, be it noticed, the head.[60] Such monasteries, it seems, were thought not only to survive but also to have been inordinately prosperous. That at least is the substance of another text that describes in some detail the kinds of wealth that are found in a beautiful *vihāra*. There even the cells of new novices have cloth racks "hung and heaped with cloth"; the Community has a great deal of "bedding and seats," and even new novices get the seven sorts; and the monks' cells are full of copper vessels.[61] Beauty, it seems, in part at least means overabundance, and the association between the two is made not by us but by the redactors of our Code. A third text that refers to such a monastery typifies a whole series of such texts and confirms our initial observation. It is of additional interest because it contains the authorization for monks to maintain stores of rice and to get into the rice-selling business.

The text in question is so straightforward as to be startling. In it "some merchants from the Northern Road" were traveling:[62]

> . . . they saw *vihāras* that had high arched gateways, were ornamented with windows, latticed windows, and railings, *vihāras* that captivated the eye and the heart and were like stairways to heaven, and they were deeply affected (*dad par 'gyur te*, *prasanna*). They went to a *vihāra* and said to the monks: "Noble Ones, we would make an offering feast (*mchod ston*) for the Community!"

The point here is probably hard to miss. The merchants are explicitly presented as responding to the appearance of the monastery, and to that alone. They are moved by its beauty—their heart and eye stolen. The Sanskrit was certainly either *prasanna* or *abhiprasanna*, and it repeatedly occurs in our passages to express an emotional state or aesthetic reaction. It is a term like *saṃvega*, which occurs in some of the same contexts, in spite of how it has sometimes been translated, and in our texts this aesthetic reaction almost invariably results—as we will see—in

donations.[63] But our text also goes on to indicate that attracting donors can also involve complications.

When the merchants have declared their intentions to the monks, the monks tell them to bring what is needed for the meal, but the merchants say they have only just arrived and would prefer to give the price to the monks and then the monks can provide the rice. The monks demur, but the Buddha then gives a first directive: "When someone makes an offering feast for the sake of the Community, you must sell them rice!" (*rin gyis 'bras sbyin par bya'o*). The monks do so, but when "large numbers" made such feasts and the monks sold to all of them, "the common stores were exhausted." The Buddha then gives a second set of directives, which constitute, in effect, guidelines for running an efficient granary—that is, when rice is sold for a feast in the same *vihāra*, a little something extra might be given for the price; old rice must be sold at "a good time" and the storerooms filled with new rice; and so on. Clearly, the monks who redacted our Code realized that being in one business, the business of attracting donors, required engaging in other businesses as well, like buying and selling grain.

But if these and other texts like them in our *Vinaya* link beautiful and imposing monastic architecture with the attraction of donations, still others articulate in addition a linkage between donations and the natural beauty of a monastery's setting. One example will suffice. In the Chapter on Robes, we find:[64]

> There was a householder in a rural hamlet. He had a *vihāra* made, but only one monk entered into the rainy-season retreat there. That monk, however, was energetic. Every day he smeared that *vihāra* with cow dung and swept it well. Well maintained was that *vihāra*, and sited in a lovely isolated spot adorned with all sorts of trees, filled with the soft sounds of geese and curlews, peacocks and parrots, mainas and cuckoos, adorned with various flowers and fruits.
>
> Once a wealthy trader spent the night in that *vihāra*. When he saw the beauties of that *vihāra* (*vihāraśobhaṃ*) and the beauties of its woods (*upavanaśobhaṃ*), he was deeply moved (*abhiprasanna*), and although he had not seen the monks, he dispatched in the name of the Community a very considerable donation (*prabhūto lābhaḥ*).

This little text too probably requires little commentary, in part because in both its structure and its basic vocabulary it repeats the others we have seen, and in part because it is so clear. There are of course "new" elements of interest, but the basic account is what might already be called "the same old story." A wealthy merchant comes to a *vihāra*, and when he sees its beauties, he is struck, moved, or affected—once again the term is *abhiprasanna*—and he makes a large donation. What is different here is that although, again, the *vihāra* itself is attractive, the emphasis is not so much on it as on what might be called the aesthetics of or-

der and cleanliness and the beauty of its setting. If the early Northwest was anything like modern India, it is not difficult to see how a clean and well-maintained monastery might make a distinct impression. But the natural beauty of the site itself is most fully described, and it is this, perhaps, that our redactors want most to emphasize. The site of the monastery is here described very much in the same terms that our Code repeatedly uses to describe the natural beauties of a park or garden (*udyāna*) in spring, and thereby it assimilates the two.[65] Though oddly little studied, Indian literature—both religious and secular—is saturated with thick and sensuous descriptions of such "parks," and they clearly had strong aesthetic appeal. Western archaeologists from Cunningham to Stein have also repeatedly remarked on the sometimes stunning natural beauty of the sites of Buddhist monasteries, and our text would seem to indicate that their selection was almost certainly not accidental.[66] Apart from these considerations, we perhaps need only note here that our text makes explicit what in the previous texts was only strongly implied: This merchant was responding solely and simply to the beauties of the *vihāra* and its setting—the text explicitly says that he never even saw the monks.

Having seen what we have in the discussion of our texts so far, when we get to what we call "art," there are no surprises. As Zürcher and others have noted, our monastic Code is comparatively rich in references to "art," although the "art" it refers to is predominantly painting.[67] Here I must limit myself to some brief remarks on two such texts whose basic point will sound perfectly familiar.

One of the texts on monastic art in our Code has been known for some time now. It deals with the famous lay-brother Anāthapiṇḍada, who was seeking and gaining permission from the Buddha to have paintings in the equally famous monastery that he "donated" to the Order.[68] The language that he is made to use, and the reasons he is made to give for wanting paintings in the monastery, are particularly interesting but can, of course, be securely attributed only to the monk or monks who composed or redacted the text. They, or Anāthapiṇḍada, did not, according to the text, want art in the monastery to instruct either the laity or the monks, nor to serve as objects of devotion or as aids to meditation. They or he wanted this art for a very different reason, and the text here too seems to be remarkably straightforward. It begins:

> When the householder Anāthapiṇḍada had given the Jetavana Monastery to the Community from the Four Directions, it occurred to him then: "Since there are no paintings, this monastery is ugly (*di ri mo ma bris pas mi sdug ste*). If, therefore, the Blessed One were to authorize it, it should have paintings." So thinking, he went to the Blessed One and sat down at one side. So seated, the householder Anāthapiṇḍada said this to the Blessed One: "Reverend, the Jetavana is ugly be-

> cause I did not have paintings made. Therefore, if the Blessed One were to authorize it, I will have paintings made there."
>
> The Blessed One said: "Householder, with my authorization, paintings therefore must be made!"[69]

As if to make sure that no one missed the point, the redactors repeat it twice: There should be paintings in the monastery because without them it is ugly or not beautiful. And no other reason is here given.[70]

The text continues with the Buddha's giving specific instructions on the placement of specific paintings—the Great Miracle and the Wheel of Rebirth are to be painted on the porch; the garland of *Jātakas* on the gallery; a *yakṣa* holding a club at the door of the Buddha's shrine; the various Elders in the meeting hall; and so on.[71] This much of the tradition has been known—if not fully appreciated—for some time, but an equally important text related to the paintings in the Jetavana that occurs in the same section of our Code has gone completely unnoticed. Its purport will be almost immediately familiar:[72]

> After the householder Anāthapiṇḍada had given the Jetavana Monastery to the Community of Monks from the Four Directions, and had had it finished both inside and out with various sorts of colors, and had had paintings done, then crowds of people who lived in Śrāvastī heard how the householder Anāthapiṇḍada had finished the Jetavana both inside and out with various sorts of colors and paintings and had made it remarkably fine, and many hundreds of thousands of people came then to see the Jetavana.

The text to this point is not subtle, and it is hard to imagine that any monk who was in charge of a monastery could miss the point: People would hear about a monastery that had paintings, and they would come—in large numbers. But the rest of the text is no more subtle. It concerns a brahmin from Śrāvastī to whom, the text says, "the king and his ministers and the local people were much devoted"—paintings will apparently attract not just people but the better sort as well. The text says that this brahmin had received from the royal court "an extremely costly woolen blanket" (*chen po la 'os pa'i la ba*), and then—by now almost predictably:[73]

> Once when he was wearing that blanket, he went to the Jetavana to see its wonders (*ltad mo, kūtahala*). Just as soon as he saw it, he was greatly moved (*dad pa chen po skyes nas*), and he gave that woolen blanket to the Community of Monks from the Four Directions.

The first thing to note here is that we again have a text that makes explicit what is only strongly implied in most others: The presence of things beautiful—in this

case paintings that are explicitly said to be "a wonder" or "a marvel"—attract people. It is explicitly said that the brahmin went to the monastery to see "its wonders," not, be it noted, to see the Buddha or the monks or to hear the Dharma. Apart from this, we see only what we have already seen before: An individual sees what is beautiful, is deeply moved, and makes a large donation. It is this last that the text is most interested in, and its value is explicitly stated: The blanket not only was a royal gift but also is explicitly described as "extremely costly." Its value is further emphasized by the fact that as the text continues the brahmin tries to get it back! And it is even more strongly emphasized by the further fact that its donation requires and effects a significant change in established monastic rules. Prior to this occasion, the rule established by the Buddha was that all cloth donated to the Community must be cut up and divided equally among the monks.[74] But the donation of this costly cloth led the Buddha himself to modify that rule—to, it is easy to see, the material benefit of the monks. He is made to rule: "Henceforth, monks, whatever donation of cloth of this sort falls to the Community must be sold for cash (*kārṣāpaṇa*) and the cash divided among the monks (*de lta bas na dge 'dun la gos kyi rnyed pa de lta bu grub pa gang yin pa de kar sha pa ṇa dag tu bsgyur la kar sha pa ṇa dag bgo bar bya'o*). This ruling, which *requires* the monks to engage in commercial transactions and to act as cloth merchants is, in fact, the main point of the entire account. But between the selling of cloth and the buying and selling of rice and a whole host of other such activities, it is hardly surprising, then, that large numbers of coins have been found at Buddhist monastic sites.

These texts dealing with the paintings in the Jetavana are probably the most important texts in our Code dealing with monastic art. There are of course others, but there is little point in treating them in detail—they all in one way or another tell the same story. The well-known text dealing with the Wheel of Rebirth painted on the porch of the Jetavana is, in the end, about the donation of a monastic feast that cost five hundred *kārṣāpaṇas*, although the painting was originally intended for didactic purposes or to frighten the monks;[75] the account of the painted image of the Buddha on cloth that was sent to a Sri Lankan princess is, in the end, about a magnificent donation of pearls that provided one of the occasions on which the Buddha himself defined the threefold economic and corporate structure of the monastic Community—it culminates in a ruling that mandates how the three equal parts of such a donation must be used.[76] Even the important series of texts in our Code that deal with the specifically named "Image in the Shade of the Jambu Tree" follows the same pattern. This specifically named image not only provides another remarkable linkage between our *Vinaya* and the art of the Northwest—several clearly identifiable examples of this named image have already been recognized in the Gandhāran corpus, and there is an inscribed Kuṣān example made in Mathurā but found at Sāñcī—but the texts that deal with it also provide a unique and de-

tailed set of rules governing monastic image processions, image processions that are explicitly said to generate large donations and are clearly meant to do so. This series of texts in fact, as now must seem perfectly fitting, ends with another set of rules governing monastic auctions, which turn those abundant offerings into cash.[77]

What we see and have seen here is, then, the monastic view of the function of beauty and what we call "art" in the monastery. There may have been other views—there almost certainly were—but they are not expressed in the *Mūlasarvāstivāda-vinaya*, an important monastic Code that almost certainly was written or redacted in Early Northwest India. In the Early Northwest those other views appear to have been expressed by dissident monks who would come to form what we call "the Mahāyāna," but they—like St. Bernard and for many of the same reasons—appear at least originally to have disapproved of art and to have had little or no interest in promoting elaborate monasteries.[78] All of this, at the very least, must be sobering. Clearly we have much more to learn about the Buddhist monks who handled the coins we collect and used the pots that we classify. They were not, it seems, what we have been told they were.

Notes

1. Examples of early work published on this *Vinaya* include, first of all, A. Csoma de Körös, "Analysis of the Dulva. A Portion of the Tibetan Work Entitled the Kah-gyur," *Asiatik Researches* 20 (1836) 41–93 (later translated into French in L. Feer, *Analyse du kandjour. Recueil des livres sacrés au tibet* [Annales du musée guimet II] [Paris: 1881] 146–198). In the 1870s, A. von Schiefner published a long series of papers under the title "Indische Erzählungen" in *Bulletin de l'académie impériale des sciences de St.-Petersbourg* (listed in detail in Panglung, *Die Erzählstoffe des Mūlasarvāstivāda-Vinaya*, 254–255), which were in turn translated into English in W. R. Ralston, *Tibetan Tales Derived from Indian Sources* (London: 1882), making available a significant sampling of the narrative literature found in this *Vinaya*—indeed the work might have been more accurately entitled "Tales or Stories from the *Mūlasarvāstivāda-vinaya*," though a very few of the "tales" came from elsewhere. W. W. Rockhill also did early important work on this *Vinaya* (Rockhill, "Le traité d'émancipation ou Pratimoksa Sutra," *RHR* 9 [1884] 3–26, 167–201; Rockhill, "Tibetan Buddhist Birth-Stories: Extracts and Translations from the Kandjur," *JAOS* 18 [1897] 1–14; Rockhill, *The Life of the Buddha and the Early History of His Order Derived from Tibetan Works in the Bkah-Hgyur and Bstan-Hgyur* [London: 1907]).

2. Lamotte, *Histoire du bouddhisme indien*, 727.

3. For references and further, sometimes overlapping discussion, see G. Schopen, "The Bones of a Buddha and the Business of a Monk: Conservative Monastic Values in an Early Mahāyāna Polemical Tract," *JIP* 27 (1999) 292–293 [*FFMB* Ch. III]; and Schopen, *Daijō bukkyō kōki jidai*, 39ff.

4. For but one prominent example, see J. W. de Jong, Review of Falk, *Schrift im alten Indien*, *IIJ* 39 (1996) 69.

5. *Saṅghabhedavastu* (Gnoli) i, "General Introduction," xix.

6. *Bhaiṣajyavastu*, GMs iii 1, 1.20–2.5—for the reading of this passage in the Gilgit manuscript itself (GBMs vi 952.2) and some discussion, see Schopen, *Daijō bukkyō kōki jidai*, 42–45.

7. In the short "Introduction" he wrote to J. Przyluski, "Le nord-ouest de l'inde dans le vinaya des mūlasarvāstivādin et les textes apparentés," *JA* (1914) 493–568—Przyluski translates here the Chinese translation of this "māhātmya" done by I-ching.

8. Ed. Huber, "Études bouddhiques. III—Le roi kaniṣka dans le vinaya des mūlasarvāstivādins," *BEFEO* 14 (1914) 18: "qui tendent à montrer que le Vinaya des Mūla-Sarvāstivādins a subi un remaniement aux environs de l'ère chrétienne." This paper of Huber's, moreover, was also translated into English shortly after its original publication in G. K. Nariman, *Literary History of Sanskrit Buddhism* (Bombay: 1919) 274–275.

9. See as a small sample: *Śayanāsanavastu* (Gnoli) 3.19; *Bhaiṣajyavastu*, GMs iii 1, 55.12; *Pravrajyāvastu*, GMs iii 4, 56.12; *Vibhaṅga*, Derge Ca 247a.7, Ja 69a.2 = *Divyāvadāna* (Cowell and Neil) 493.15; etc.

10. See G. Schopen, "The Lay Ownership of Monasteries and the Role of the Monk in Mūlasarvāstivādin Monasticism," *JIABS* 19.1 (1996) 81–126 [= Ch. VIII below]; Schopen, "Marking Time in Buddhist Monasteries. On Calendars, Clocks, and Some Liturgical Practices," in *Sūryacandrāya. Essays in Honour of Akira Yuyama on the Occasion of His 65th Birthday* (Indica et Tibetica 35), ed. P. Harrison and G. Schopen (Swisttal-Odendorf: 1998) 158–179 [= Ch. IX below]. At this stage of our ignorance, it appears that although the title *Vihārasvāmin* might not be exclusive to Mūlasarvāstivādin sources, it may well be predominantly a Mūlasarvāstivādin term. Th. Damsteegt, *Epigraphical Hybrid Sanskrit* (Leiden: 1978) 165, says that the title "is apparently not found in Pali," and it certainly does not occur in the Pāli *Vinaya*, even though the term *sassāmika* occurs in conjunction with *vihāra* there (Pāli *Vinaya* iii 156). The lack of linkages between Pāli sources and the epigraphical and archaeological records of the Northwest is consistent and points to the limited utility of the former for understanding the latter.

11. The passage in question—*Varṣāvastu*, GMs iii 4, 139.11–.17—has been discussed in some detail in G. Schopen, "The Ritual Obligations and Donor Roles of Monks in the Pāli *Vinaya*," *JPTS* 16 (1992) 87–107 [= *BSBM*, Ch. IV].

12. See, for example, R. Salomon, "The Bhagamoya Relic Bowl Inscription," *IIJ* 27 (1984) 108 (1.2); G. Fussman, "Nouvelles inscriptions śaka (II)," *BEFEO* 73 (1984) 33 (1.2), 35 (1.2), 39 (11.7–.9); Fussman, "Nouvelles inscriptions śaka (III)," *BEFEO* 74 (1985) 37 (1.3); Fussman, "Documents epigraphiques kouchans (IV). Ajitasena, pere de senavarma," *BEFEO* 75 (1986) 2 (1.5); Salomon, "The Reliquary Inscription of Utara: A New Source for the History of the Kings of Apraca," *IIJ* 31 (1988) 169. For the inscription that refers explicitly to "the merit of Brahma," see R. Salomon and G. Schopen, "The Indravarman (Avaca) Casket Inscription Reconsidered: Further Evidence for Canonical Passages in Buddhist Inscriptions," *JIABS* 7.1 (1984) 108 (1.4).

13. The passage in question—*Saṅghabhedavastu* (Gnoli) ii 206.16—has been noticed

in Salomon and Schopen, "The Indravarman (Avaca) Casket Inscription Reconsidered," 121–122, but the reservations expressed there in regard to whether or not the passage was original to this *Vinaya* need to be revisited and may well have been overstated. The same or a similar passage also occurs in the *Ekottarāgama*, for example, but given the nature of that compilation, the chances that it was the original source are certainly not better.

14. For convenience, see the references in G. Schopen, "On Monks, Nuns, and 'Vulgar' Practices: The Introduction of the Image Cult into Indian Buddhism," *ArA* 49 (1988/1989) 158–159 [= *BSBM*, 243].

15. See as a small sample: *Bhaiṣajyavastu*, GMs iii 1, 55.12; *Pravrajyāvastu*, GMs iii 4, 56.12; *Pravrajyāvastu* (Eimer) ii 259.15; *Vibhaṅga*, Derge Ca 247a.7, Ja 64b.5 (= *Divyāvadāna* [Cowell and Neil] 488.3, though the Sanskrit has been abbreviated), Ja 80a.2 (= *Divyāvadāna* [Cowell and Neil] 505.2), Ja 227a.1; etc.

16. Konow, *Kharoshṭhī Inscriptions*, LVIII (124), LXXXVIII (172); Lüders, *Mathurā Inscriptions* §§ 44, 46.

17. *Pravrajyāvastu* (Eimer) ii 163.12. For a Sanskrit text of the formulary, see B. Jinananda, *Upasampadājñaptiḥ* (Patna: 1961), esp. 26.3 for the passage cited. The *Upasampadājñaptiḥ* appears to be an extract from the *Pravrajyāvastu*, but its textual history is not actually known. A translation of the entire formulary will appear in the new Penguin *Buddhist Scriptures*, being edited by D. Lopez.

18. For some texts illustrative of this strong emphasis on the obligations of preceptors and pupils in regard to mutual caregiving, especially in times of illness, see *Kṣudrakavastu*, Derge Tha 212b.3–213b.3, 213b.3–214a.7. On similiar obligations, again in times of illness, of monks for other monks with whom they need not have a formally acknowledged relationship, see *Cīvaravastu*, GMs iii 2, 124.11–125.9, 128.1–131.15 (most of these are briefly discussed at G. Schopen, "The Good Monk and His Money in a Buddhist Monasticism of the Mahāyāna Period," *EB* n.s. 32.1 [2000] 95–96 [= Ch. I above, 8–9]). *Cīvaravastu*, GMs iii 2, 124.11ff, contains a rule requiring monks to undertake acts of worship (*pūjā*) for the benefit of (*uddiśya*) a dying fellow monk—a situation that might well lie behind several of our inscriptions—and is tentatively translated in G. Schopen, "Deaths, Funerals, and the Division of Property in a Monastic Code," in *Buddhism in Practice*, ed. D. S. Lopez Jr. (Princeton, N.J.: 1995) 495–496 [= Ch. IV below, 114–115].

19. S. Konow, "Note on the Tōr-Ḍhērai Inscriptions," in A. Stein, *An Archaeological Tour in Wazīristān and Northern Balūchistān* (MASI 37) (Calcutta: 1929) 93–97; Konow, *Kharoshṭhī Inscriptions*, XCII (173–177); cf. the series of pot inscriptions published and discussed in R. Salomon, *Ancient Buddhist Scrolls from Gandhāra. The British Library Kharoṣṭhī Fragments* (Seattle: 1999) 183–247.

20. See *Kṣudrakavastu*, Derge Tha 108a.6–110a.4; see also *Śayanāsanavastu* (Gnoli) 50.18–51.9 on monastic wells and the monks' obligation to distribute water there.

21. E. Senart, "Notes d'épigraphie indienne," *JA* (1890) 122. There is now probably no need to pursue the question raised by Senart of foreign influence ("l'imitation des formules épigraphiques de l'Occident") on the development of these formulae—they are far more explicable "par le jeu naturel des idées natives" than he could ever have seen, and a considerable amount of evidence for this is found in our Code.

22. Obviously, much more needs to be known about all the *Vinayas* preserved now only in Chinese before such statements can have any dependable force. For the moment it can only be said that no such material has been noted so far in these *Vinayas* and that no material of this kind occurs in the canonical Pāli *Vinaya*.

23. The text is found at *Uttaragrantha*, Derge Pa 99a.7–100a.6.

24. For the shards from Mohenjo-daro, see E. J. H. Mackay, *Further Excavations at Mohenjo-Daro* (Delhi: 1938) Vol. I, 187; see also Salomon, *Ancient Buddhist Scrolls from Gandhāra*, 193 (pot A inscription) and 245 (the Kara Tepe example cited). There are some other possible examples, but an explicit identification of the "owner" as a monk is generally lacking; e.g., S. R. Rao, "Excavations at Kanheri (1969)," in *Studies in Indian History and Culture*, ed. S. Ritti and B. R. Gopal (Dharwar: 1971) 45; H. Falk, "Protective Inscriptions on Buddhist Monastic Implements," in *Vividharatnakaraṇḍaka. Festgabe für Adelheid Mette* (Indica et Tibetica 37), ed. C. Chojnacki et al. (Swisttal-Odendorf: 2000) 254, and the literature cited.

25. *Vibhaṅga*, Derge Ja 15a.3–15b.1—discussed in G. Schopen, "The Lay Ownership of Monasteries and the Role of the Monk in Mūlasarvāstivādin Monasticism," 101–102 [= Ch. VIII below, 230–231].

26. For another example of this state of affairs, see *Śayanāsanavastu* (Gnoli) 40.13: *anyatamena gṛhapatinā dvau vihārau kāritau eka āraṇyakānāṃ dvitīyo grāmāntikānām*.

27. See Schopen, "The Lay Ownership of Monasteries," 102 n. 44 [= Ch. VIII below, 252 n. 44] (in the original publication "cited above 14" should be corrected to "cited above 94").

28. *Uttaragrantha*, Derge Pa 154b.6–155a.6 = Tog Na 223a.5–b.7.

29. There is a significant difference between Derge and Tog in regard to the reading for the second half of this statement. Tog has *de ste phul ba'i bsod nams mi snang ngo zhes dpyas pa*, and I have adopted this here. Derge, however, reads *de sngon snang na da mi snang no zhes dpyas pa*, "since that which was formerly visible now is not." It is possible that the reading in Derge was influenced by the reading in the corresponding passage in the very similar text that immediately follows (see n. 33 below), since there both Derge and Tog have *snga na ni snang na da* [Tog *da ni*] *mi snang no zhes 'phya ba* [Tog *dpyas pa*], but any satisfying determination will have to wait for a proper edition of the text.

30. *Vinayasūtra* (Sankrityayana) 119.2 = Derge, bstan 'gyur, 'dul ba Wu 98b.3.

31. Salomon, *Ancient Buddhist Scrolls from Gandhāra*, 198, 218.

32. G. Fussman, "Numismatic and Epigraphic Evidence for the Chronology of Early Gandharan Art," in *Investigating Indian Art*, ed. M. Yaldiz and W. Lobo (Berlin: 1987) 79; Konow, "Note on the Tōr-Ḍhērai Inscriptions," 97.

33. *Uttaragrantha*, Derge Pa 155a.6–157a.2. This second text—in essentials similar to the first, although it contains as well a sermon on the inevitability of death—deals with the furnishings (*mal gos*) of King Prasenajit's grandmother (*phyi mo*) that he gave "to the Noble Community of the Jetavana" (the same narrative frame is used at Pāli *Vinaya* ii 169.29 to a different end). In this instance, however, the "inscription" that is to be written is *yul ko sha la'i rgyal po gsal rgyal gyis phul ba'i* [*mal*] *gos*, "furnishings that were given by Prasenajit, King of Kośala." It, then, does not use a pronoun (*'di, ayam*), nor an expression like

yon du phul ba'i dngos po or *sbyin par bya ba'i chos* (*deyadharma*—so *Vinayasūtra*), and so is even less developed. It also names as the donor the actual giver of the property (Prasenajit), and not its previous and now deceased owner (Presenajit's grandmother).

34. Already noted in A. Bareau, *Les sectes bouddhiques du petit véhicule* (Paris: 1955) 36, 131–132, and the sources cited; Lamotte, *Histoire du bouddhisme indien*, 578; and repeated recently in C. Willemen et al., *Sarvāstivāda Buddhist Scholasticism* (Leiden: 1998) 103–104, 115–116. Inscriptions from the Northwest that refer to the Sarvāstivādins, moreover, continue to be published—see Salomon, *Ancient Buddhist Scrolls from Gandhāra*, 200 (pot B), 205 (pot C).

35. For some examples of the attempts to sort out the relationship(s) between the Sarvāstivādins and the Mūlasarvāstivādins, see J. W. de Jong, "Les *sūtrapiṭaka* des sarvāstivādin et des mūlasarvāstivādin," in *Mélanges d'indianisme a la mémoire de Louis Renou* (Paris: 1968) 395–402; B. Mukherjee, "On the Relationship between the Sarvāstivāda Vinaya and the Mūlasarvāstivāda Vinaya," *Journal of Asian Studies* (Madras) 2.1 (1984) 139–165; Mukherjee, "Shih-sung-lu and the Reconstruction of the Original Sarvāstivāda Vinaya," *Buddhist Studies* 15 (1991) 46–52; Willemen et al., *Sarvāstivāda Buddhist Scholasticism* 36–137; F. Enomoto, "'Mūlasarvāstivādin' and 'Sarvāstivādin,'" in *Vividharatnakaraṇḍaka*, 239–250. Referring to work by Przyluski, Hofinger, and Bareau, Willemen et al. (p. 87) say: "Comparative studies of the *Vinayapiṭaka* of the Sarvāstivādins and of the Mūlasarvāstivādins reveal that what was later called the *Mūlasarvāstivādavinaya* is older than the *Sarvāstivādavinaya*, and even older than most other *Vinayapiṭakas*."

36. A. Bareau, "Le construction et le culte des stūpa d'après les vinayapiṭaka," *BEFEO* 50 (1960) 244.

37. *Kṣudrakavastu*, Derge Tha 102a.5–104b.2.

38. *Poṣadhavastu* (Hu-von Hinüber) §§ 6.1–.8.

39. *Vibhaṅga*, Derge Ja 154b.2–156b.7.

40. *Kṣudrakavastu*, Derge Tha 222b.2–224b.1.

41. *Vibhaṅga*, Derge Ja 79b.7–80b.3 = *Divyāvadāna* (Cowell and Neil) 504.25–505.29.

42. *Kṣudrakavastu*, Derge Tha 39a.6–b.5.

43. *Kṣudrakavastu*, Derge Da 35b.2–36a.2; the *Poṣadhavastu* passage cited in n. 38 above also explicitly forbids practicing meditation in the forest: *bhagavān āha | nāraṇye yogo bhāvayitavyaḥ* (§ 6.5).

44. *Śayanāsanavastu* (Gnoli) 35.1–.10. The passage is translated and discussed in Schopen, "The Lay Ownership of Monasteries," 113ff [= Ch. VIII below, 238ff]; note in particular n. 65 in which the corresponding passage in the *Vinayasūtra* is also translated.

45. *Uttaragrantha*, Derge Pa 71b.4–74a.2—translated and discussed in Schopen, "Marking Time in Buddhist Monasteries," 173ff [= Ch. IX below, 270–271].

46. *Śayanāsanavastu* (Gnoli) 35.7; Schopen, "The Lay Ownership of Monasteries," 113 [= Ch. VIII below, 238].

47. *Śayanāsanavastu* (Gnoli) 37.6–.19; translated in full in Schopen, "The Lay Ownership of Monasteries," 92–93 [= Ch. VIII below, 325–326].

48. Both Vinītadeva's *Vinayavibhaṅgapadavyākhyāna* (Derge, btsan 'gyur, 'dul ba Tshu 64b.5) and Śīlapālita's *Āgamakṣudrakavyākhyāna* (Derge, btsan 'gyur, 'dul ba Dzu 73a.5)

make it clear that the Mūlasarvāstivādin commentarial tradition understood *dakṣiṇām ā√diś* or *ud√diś* to mean the "assigning" or "transfer" of merit. The first, commenting on *Vibhaṅga*, Derge Ca 154a.5, says *yon bshad pa zhes bya ba ni sbyin pa'i 'bras bu yongs su bsngo ba'o*, "'Assigning the reward' means: transferring the fruit of the gift"; and the second, commenting on *Kṣudrakavastu*, Derge Tha 237a.5, says *yon bsngo ba ni chos kyi sbyin pa la sogs pa las yang dag par byung ba'i bsod nams kyi 'bras bu kun du* [read: *tu*] *bgo bsha' byad* [read: *byed*] *pa'o*, "'assigning the reward' means: apportioning the fruit of the merit that arises from a religious gift, etc."

49. *Vibhaṅga*, Derge Cha 184a.1.

50. On this description of, and emphasis on, a beautiful *vihāra*, see pages 31–32 and n. 60 below.

51. *Śayanāsanavastu* (Gnoli) 37.6.

52. *Vibhaṅga*, Derge Cha 154b.3. For a more detailed treatment of the passage, see Schopen, "Doing Business for the Lord: Lending on Interest and Written Loan Contracts in the *Mūlasarvāstivāda-vinaya*," *JAOS* 114 (1994) 527–554 [= Ch. III below].

53. See, for references, Schopen, "Doing Business for the Lord," 532 nn. 22–25 [= Ch III below, nn. 22–25], to which might be added B. S. L. Hanumantha Rao et al., *Buddhist Inscriptions of Andhradesa* (Secunderabad: 1998) 192 ("Patagandigudem [Kallacheruvu] Copper Plates of Siri Ehāvala Chāntamūla"—this record was apparently discovered only in 1997 and is potentially very important. It is the only copper-plate inscription of the Ikṣvākus so far known and is the only record so far of a grant of land by an Ikṣvāku king to a Buddhist monastic community. It is therefore particularly unfortunate that it is available only in a rather primitive transcription that is not accompanied with usable plates or photographs). [See now H. Falk, "The Pātagaṇḍigūḍem Copper-Plate Grant of the Ikṣvāku King Ehavala Cāntamūla," *Silk Road Art and Archeology* 6 (1999/2000) 275–283.]

54. *Uttaragrantha*, Derge Pa 196a.7. For a discussion of the text, see now G. Schopen, "Dead Monks and Bad Debts: Some Provisions of a Buddhist Monastic Inheritance Law," *IIJ* 44 (2001) 115–118 [= Ch. V below, 137–138].

55. Its only possible competitor would be the office of *bhatudesaka*, which is referred to in a single inscription from Bhārhut (H. Lüders, *Bharhut Inscriptions* [CII Vol. II, Pt. 2], ed. E. Waldschmidt and M. A. Mehendale [Ootacamund: 1963] 20, A 17).

56. Konow, *Kharoṣhṭhī Inscriptions*, XIII, LXXII, LXXVI, LXXXII; see also *BSBM* 159, 190–191, and notes.

57. C. Rudolph, *The "Things of Greater Moment." Bernard of Clairvaux's Apologia and the Medieval Attitude toward Art* (Philadelphia: 1990) 280–281 (for both the Latin text and the translation cited here). For another translation, see M. Casey and J. Leclercq, *Cistercians and Cluniacs. St. Bernard's Apologia to Abbot William* (Kalamazoo, Mich.: 1970) 65; see also P. Fergusson, *Architecture of Solitude. Cistercian Abbeys in Twelfth-Century England* (Princeton, N.J.: 1984) 11ff.

58. See n. 77 below.

59. *Vibhaṅga*, Derge Cha 184a.1.

60. This description of a beautiful *vihāra* is so common in our *Vinaya* that it constitutes a cliché; for some other examples, some of which will be cited immediately below,

see *Vibhaṅga*, Derge Ca 153b.3; Cha 148b.2, 156b.4; Nya 141a.6, 146b.4, 147b.3; *Pravrajyāvastu* (Eimer) ii 271.8, 273.12; etc. The last two of these are particularly interesting examples that combine the description of a beautiful *vihāra* with another formula, discussed below, that describes the natural beauty of a park in spring; and both also contain a further characterization of the *vihāra* as *lha'i gnas ltar dpal gyis 'bar ba*. Happily we also have a Sanskrit version of this simile: *Pravrajyāvastu* (Näther/Vogel/Wille) 255.33—*devabhavanam iva śriyā jvalantam*, "like the dwelling of a god, shining with splendor." This is a remarkable figure of speech to apply to a Buddhist monastery.

61. *Vibhaṅga*, Derge Ca 153b.1ff.

62. *Vibhaṅga*, Derge Cha 156b.4.

63. For the richness of the terms *prasanna* and *abhiprasanna*, see, for now, Schopen, "The Lay Ownership of Monasteries" 98–99 and n. 39 [= Ch. VIII below, 228–229]; and note, for now, that there is almost certainly a connection between the Buddhist use of these terms in the context of donations and the *dharmaśāstric* notion of "tokens of affection" (*prasāda*) as a distinct category of property that is excluded from partition (for some examples of the latter, see L. and R. Rocher, "Ownership by Birth: The Mitākṣarā Stand," *JIP* 29 (2001) 247–248).

64. *Cīvaravastu*, GMs iii 2, 107.11.

65. *Saṅghabhedavastu* (Gnoli) ii 109.10, 121.5; *Śayanāsanavastu* (Gnoli) 32.3; etc.

66. A. Cunningham, *The Bhilsa Topes or Buddhist Monuments of Central India* (London: 1854) 320–321; A. Stein, *On Alexander's Track to the Indus* (London: 1929) 17–18, 35.

67. See E. Zürcher, "Buddhist Art in Medieval China: The Ecclesiastical View," in *Function and Meaning in Buddhist Art. Proceedings of a Seminar Held at Leiden University 21–24 October 1991*, ed. K. R. van Kooij and H. Van der Veere (Groningen: 1995) 1–20, esp. 6; and before him, A. C. Soper, "Early Buddhist Attitudes towards the Art of Painting," *Art Bulletin* 32 (1950) 147–151, and P. Demiéville, "Butsuzō," *Hōbōgirin*, troisième fascicule (Paris: 1974) 210ff.

68. For the account of the founding of this famous monastery in the *Mūlasarvāstivāda-vinaya*, and on the distinct possibility that the purchase of its site by Anāthapiṇḍada was highly illegal, see G. Schopen, "Heirarchy and Housing in a Buddhist Monastic Code. A Translation of the Sanskrit Text of the *Śayanāsanavastu* of the *Mūlasarvāstivāda-vinaya*. Part One," *Buddhist Literature* 2 (2001) 98–99 n. VIII.7.

69. *Kṣudrakavastu*, Derge Tha 225a.3ff. Though much of this account found in the *Kṣudrakavastu* was summarized or partly translated already by both W. W. Rockhill (*The Life of the Buddha*, 48 n. 2) and M. Lalou ("Notes sur la décoration des monastères bouddhiques," *RAA* 5.3 [1930] 183–185), this important opening paragraph was entirely ignored.

70. Virtually this same reason—and it alone—is repeatedly given elsewhere in the *Mūlasarvāstivāda-vinaya* to justify several significant elements of both *stūpas* and images, and several elements of the ritual activity directed toward them as well. In the *Uttaragrantha*, for example, when Anāthapiṇḍada has a *stūpa* built for the hair and nails of the Blessed One, and "when, because it was not plastered, it was ugly (*mi mdzes pa*)," he then seeks and receives permission to have it plastered, repeating in full the reason: "so long as it remains unplastered, it is ugly (*mi mdzes pa*)." In the same way it is said that a *stūpa* is not beauti-

ful when there are no lamps, when the railing surrounding it has no gateway (*rta babs* = *toraṇa*), when flowers given to it wither, etc., and in each case this aesthetic consideration—and it alone—results in the Blessed One's ordering that this aesthetic deficiency be remedied, that *stūpas* be provided with lamps, their railings be provided with *toraṇas*, etc. (*Uttaragrantha*, Derge Pa 114a.3ff, 120b.1). A fuller summary of these passages—not always entirely dependable—can be found in P. Dorjee, *Stupa and Its Technology. A Tibeto-Buddhist Perspective* (New Delhi: 1996) 4–7. Dorjee paraphrases *mi mdzes par gyur na/nas* as "would appear unattractive," "did not look nice," "looked unattractive"). The same "argument," using the same language, is also used to justify providing "the image of the Bodhisattva" (*byang chub sems dpa'i gzugs*; i.e., of Siddhārtha) with ornaments, with carrying the image on a wagon, with providing that wagon with flags, banners, and so on—and in each case, it is said that the reason for doing so was so that the image or processional wagon would not be ugly (*mi mdzes pa*)—*Uttaragrantha*, Derge Pa 137b.4ff.

71. A digest of this part of the text is preserved in Sanskrit—see *Vinayasūtra* (Sankrityayana) 114.16–.31.

72. *Kṣudrakavastu*, Derge Tha 262b.4.

73. *Kṣudrakavastu*, Derge Tha 262b.7.

74. *Kṣudrakavastu*, Derge Tha 205b.7–207b.3.

75. *Vibhaṅga*, Derge Ja 113b.3–122a.7. A Sanskrit version of this text has come down to us as an extract now found at *Divyāvadāna* (Cowell and Neil) 298.24–311.10. For a translation of the first part of the text from its Chinese translation, see J. Przyluski, "La roue de la vie à ajaṇṭā," *JA* (1920) 313–319; and for Sanskrit fragments of a seemingly similar text, see B. Pauly, "Fragments sanskrits de haute asie (mission pelliot)," *JA* (1959) 228–240.

76. *Adhikaraṇavastu* (Gnoli) 63.16–69.2—*ato yo buddhasya bhāgas tena gandhakuṭyāṃ pralepaṃ dadata; yo dharmasya sa dharmadharāṇāṃ pudgalānāṃ; yaḥ saṃghasya taṃ samagraḥ saṃgho bhajayatu*; cf. Schopen, "Deaths, Funerals, and the Division of Property in a Monastic Code," 500 [= Ch. IV below, 119].

77. The fullest treatment of these texts so far may be found in Ch. IV of *FFMB*, entitled "On Sending Monks Back to Their Books: Cult and Conservatism in Early Mahāyāna Buddhism."

78. See G. Schopen, "The Bones of a Buddha and the Business of a Monk: Conservative Monastic Values in an Early Mahāyāna Polemical Tract," *JIP* 27 (1999) 279–324; and Ch. IV of *FFMB*.

CHAPTER III

Doing Business for the Lord
Lending on Interest and Written Loan Contracts in the *Mūlasarvāstivāda-vinaya*

IT IS PROBABLY fair to say that there has been little discussion in Western scholarship about how Indian Buddhist monasteries paid their bills. It is possible, of course, that this is in part because money and monks have had, to be sure, an unhappy history in the West—at least as that history has often been written—and the topic may therefore be considered somehow unedifying.[1] It may also be true, as Peter Levi's "Study of Monks and Monasteries" suggests, that we like our monasteries in "ruins," as "landscape decorations and garden ornaments." "That," Levi says, "is because the ruins of monasteries speak more clearly than the real inhabited places."[2]

However this be eventually settled, it appears that this reticence or romanticism has worked less forcefully in regard to the study of China. Why this was so is again uncertain, but one effect of it is not: much that a student of Indian monastic Buddhism might find surprising in the *Mūlasarvāstivāda-vinaya*, for example, will be old hat to economic and legal historians of China. A particularly good instance of this sort of thing occurs in the *Cīvaravastu* of the *Mūlasarvāstivāda-vinaya*, where we find the following passage: *tatra bhagavān bhikṣūn āmantrayate sma. bhājayata yūyaṃ bhikṣava upanandasya bhikṣor mṛtapariṣkāram iti. bhikṣubhiḥ saṃghamadhye avatārya vikrīya bhājitam*. On one level the meaning of this passage is straightforward: "In this case the Blessed One said to the monks: 'You, monks, must [528] divide the estate of the dead monk Upananda!' The monks, having brought it and having sold it in the midst of the community, divided (the proceeds)."[3] It looks like there was a kind of "public" sale or auction of the belongings of a dead monk that was held by the monks, and that what was realized from this sale was then distributed to the monks in attendance.

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Although there is a second reference to "selling" the goods of a deceased monk in this same passage, this procedure, seen through the eyes of an Indianist, will almost certainly appear unusual. But readers of J. Gernet's remarkable *Les aspects économiques du bouddhisme dans la société chinoise du v^e au x^e siècle* will already be familiar with it. In discussing the "division of the clothes of the deceased among the monastic community," Gernet said—almost forty years ago—that "the documents from Tun-Huang show how the clergy of the same parish (*chieh*, Skr. *sīmā*) gathered for the auction of clothing and pieces of cloth. The proceeds were subsequently divided among the monks, nuns, and novices of both sexes."[4]

Professor Gernet, who for good reason paid less attention to the *Vinaya* of the Mūlasarvāstivādins, seems to have thought that "there is no mention in the Vinaya, however, of the sale of the clothing of deceased monks" and that "the Vinaya of the Mahāsāṃghika alone makes a very discrete allusion to this method of division," although he himself then quotes short passages from both the *Vinaya* of the Sarvāstivādins and "la Mātṛkā [des Mūlasarvāstivādin]" that refer to the sale of monastic robes,[5] and Lien-sheng Yang had already some years before noted that "a [Mūlasarvāstivādin] *vinaya* text translated in the early T'ang period, however, indicates that in India sale by auction was used to dispose of such personal belongings" of deceased monks.[6] Yang's assertion seems now, in part at least, to be confirmed by the passage from the *Cīvaravastu* cited above: that passage does not actually contain a word for "auction," but clearly refers to the sale "in the midst of the community" of a dead monk's possessions, and—although it cannot establish that this was actually practiced in India—it does confirm that Mūlasarvāstivādin *vinaya* masters thought it should or hoped it would.

Such confirmation from an extant Sanskrit text is, of course, welcome, but perhaps a more important point is that without the work of sinologists the significance of the *Cīvaravastu* passage might easily be missed. Scholars working on China have in fact often been the first to introduce and make available important Indian material bearing on the institutional and economic history of Buddhism, but this material rarely, or never, makes it into Indian studies. References to Gernet's *Les aspects économiques du bouddhisme*, for example, are extremely rare in works on Indian cultural and economic history. D. D. Kosambi long ago referred to Gernet when he raised the "fundamental question" of the extent to which Buddhist monks and monasteries in India participated directly in trade. "The documentary evidence" for such participation, Kosambi said, "exists at the other end of the Buddhist world, in Chinese records and translations," of the sort presented by Gernet.[7] But few have followed this up. André Bareau, too, relied heavily on Gernet in a short piece he published on certain forms of monastic endowments in India and China.[8] Apart from these papers, I know of little else.[9]

There are of course problems in using Chinese sources in studying India. No

one, I think, would accept without serious qualifications, for example, Kosambi's assertion that "not only the art but the organization and economic management of Chinese Buddhist monasteries, especially the cave-monasteries . . . were initially copied from Indian models, so that their records can be utilized for our purpose," that is to say, to study directly Indian monasteries.[10] The use of Chinese translations of Indian texts is sometimes less problematic, but there are still serious difficulties. The process of translation often conceals, for example, the Indian vocabulary, and this is [529] especially the case with realia or financial matters. The sinologists, too, who present such Indian texts are, justifiably, often unable to recognize their broader Indian significance. Here I would like to deal with just one example that might illustrate at least some of these points.

In his survey of what the Chinese translations of the various *vinayas* have to say in regard to monks participating in "commerce" or trade or business, Professor Gernet partly paraphrases and partly translates a text from the *Vinayavibhaṅga* of the *Mūlasarvāstivāda-vinaya* that—unless I am much mistaken—is of unique importance.[11] It is important first for what it can tell us about the kinds of legal and economic ideas that were developed by at least some Indian *vinaya* writers; it is important for what it can contribute to our understanding of the laws of contract and debt in early and classical India, and because it provides another good example of Buddhist *vinaya* interacting with Indian law; it is also important for what it can contribute to the discussion concerning the uses of writing and written documents and legal instruments in India.

A Sanskrit text for this passage has not yet—as far as I know—come to light. But in addition to the Chinese version presented by Gernet, the text is also available in a Tibetan translation. This Tibetan translation has at least one advantage over the Chinese text: it is often, though not always, easier to see the Sanskrit that underlies a Tibetan translation and therefore to get at the original Indian vocabulary. Because the text has not yet been fully translated, I first give a complete translation. This will be followed by an attempt to establish the technical Indian vocabulary that the Tibetan appears to be translating, and then further discussion directed toward situating this piece of *vinaya* in the larger context of similar discussions in Indian *dharmaśāstra*, with some reference to actual legal records presented in Indian inscriptions. In the end, too, there will have to be some attempt made to get at the religious and institutional needs that might lie behind our text and the legal instruments it is concerned with.

Vinayavibhaṅga

(Derge, 'dul ba Cha 154b.3–155b.2)

The Buddha, the Blessed One, was staying in Vaiśālī, in the hall of the lofty pavilion on the bank of the monkey's pool. At that time the Licchavis of Vaiśālī built

houses with six or seven upper chambers (*pura*).[12] As the Licchavis of Vaiśālī built their houses, so too did they build *vihāras* with six or seven upper chambers. As a consequence, because of their great height, having been built and built, they fell apart.[13] When that occurred, the donors thought: "If even the *vihāras* of those who are still living, abiding, continuing, and alive fall thus into ruin, how will it be for the *vihāras* of those who are dead? We should give a perpetuity (*akṣaya*) to the monastic Community for building purposes."

Having thought thus, and taking a perpetuity, they went to the monks. Having arrived, they said this to them: "Noble Ones, please accept these perpetuities for building purposes!"

The monks said: "Gentlemen, since the Blessed One has promulgated a rule of training in this regard, we do not accept them."

The monks reported this matter to the Blessed One.

The Blessed One said: "For the sake of the Community a perpetuity for building purposes is to be accepted. Moreover, (155a) a *vihāra* for a community of monks should be made with three upper chambers. A retreat house (*varṣaka*) for a community of nuns should be made with two upper chambers."

The monks, having heard the Blessed One, having accepted the perpetuity, put it into the community's depository (*koṣṭhikā*), and left it there.

The donors came along and said: "Noble Ones, why is there no building being done on the *vihāra*?"

"There is no money (*kārṣāpaṇa*)."

"But did we not give you perpetuities?"

The monks said: "Did you think we would consume the perpetuities? They remain in the Community's depository."

"But of course, Noble Ones, they would not be perpetuities if they could be exhausted, but why do you think we did not keep them in our own houses?[14] Why do you not have them lent out on interest (*prayojayati*)?" [530]

The monks said: "Since the Blessed One has promulgated a rule of training in this regard, we do not have them lent on interest."

The monks reported the matter to the Blessed One.

The Blessed One said: "For the sake of the Community a perpetuity for building purposes must be lent on interest."

Devout brahmins and householders having in the same way given perpetuities for the sake of the Buddha and the Dharma and the Community, the Blessed One said: "Perpetuities for the sake of the Buddha and the Dharma and the Community are to be lent on interest. What is generated from that, with that accrued revenue (*siddha*), worship is to be performed to the Buddha and the Dharma and the Community."

The monks placed the perpetuities among those same donors. But when they came due, that caused disputes among them. "Noble Ones," they said, "how is it that disputes have arisen from our own wealth?"

The monks reported the matter to the Blessed One.

> The Blessed One said: "Perpetuities should not be placed among them."
>
> The monks placed them among wealthy persons. But when they came due, relying on those possessed of power, those wealthy persons did not repay them. When, by virtue of their high status, they did not repay them,[15] the Blessed One said: "They should not be placed among them."
>
> The monks (155b) placed them among poor people. But they were unable to pay them back as well.
>
> The Blessed One said: "Taking a pledge (*ādhi/bandhaka*) of twice the value (*diguṇa*), and writing out a contract (*likhita*) that has a seal and is witnessed (*sākṣimat*), the perpetuity is to be placed. In the contract the year, the month, the day, the name of the Elder of the Community (*saṃghasthavira*), the Provost of the monastery (*upadhivārika*), the borrower, the property, and the interest (*vṛddhi*) should be recorded. When the perpetuity is to be placed, that pledge of twice the value is also to be placed with a devout lay-brother who has undertaken the five rules of training.

The vocabulary of this passage is not always transparent and requires some discussion. We might start with two architectural terms. The Tibetan text says the Licchavis built both houses and *vihāras* of six or seven *rtseg*. *Rtseg* almost certainly translates Sanskrit *pura* here, as it does in the *Śayanāsanavastu* several times.[16] But the exact nature of a *pura* is not clear: Edgerton defines it as an "upper chamber" (*BHSD*, 347). In Gernet, however, where the beginning of the text seems to be omitted, the rule corresponding to "a *vihāra* for a community of monks should be made with three upper chambers, {etc.}" is rendered as "the bhikṣu's residence (*vihāra*) shall be rebuilt in three stories [étages]," which would seem to suggest that I-ching understood the term to refer to additional "stories" or "floors" of a building. Unfortunately, yet another reference to a *pura* suggests that it was something that monks fell off of. The *Poṣadhavastu*, in referring to the construction of "halls for religious exertion" (*prahāṇaśālā*), says: *te tatra na yāpayanti. bhagavān āha. upariṣṭhād dvitīyaḥ pūraḥ* {but ms.: *puraṃ*} *kartavyaḥ. na ārohati. bhagavān āha. sopānaṃ kartavyam. prapatitaṃ bhavati. bhagavān āha. vedikā parikṣeptavyā*: "The monks had no room there (in the hall). The Blessed One said: 'A second upper chamber (or story) is to be built above.' They could not get up to it. The Blessed One said: 'A staircase is to be made.' They fell off it. The Blessed One said: 'It should be enclosed with a railing.'"[17] Here, of course, neither "upper chamber" nor "story" does very well. Finally, it is worth noting that the rule given in our text concerning the number of *pura* for *vihāras* of monks and nuns does not correspond to that given elsewhere in the same *Vinaya*. In a passage in the *Śayanāsanavastu* already referred to that recounts the origin of the *vihāra*, the Buddha is made to say: *bhikṣūṇāṃ pañcapurā vihārāḥ kartavyāḥ . . . bhikṣuṇīnāṃ tu tripurā vihārāḥ kartavyāḥ*: "for monks *vihāras* are to be made with

five upper chambers . . . but for nuns *vihāras* are to be made with three upper chambers."[18]

Our Tibetan text says that when monks first started accepting perpetuities, they simply put them in the community's *mdzod*, and this is the second architectural term requiring comment. Chandra's *Tibetan-Sanskrit Dictionary* (1971) gives *kośa* as the most commonly attested equivalent for *mdzod*, but a reference in a context much closer to ours than any Chandra cites suggests something more specific. The passage in question is another piece of the *Mūlasarvāstivāda-vinaya* that is of interest for the history of Indian law because it refers to a written will. In stipulating what should be done with the various sorts of things that make up an [531] estate inherited by the monastic community, the text says that "books containing the word of the Buddha"—unlike "books containing the treatises of outsiders" (*bahiḥ-śāstra-pustakā*), which are to be sold—are, in Dutt's edition, *cāturdiśāya bhikṣusaṃghāya dhāraṇakoṣṭhikāyāṃ prakṣeptavyāḥ.*[19] This, as it stands, might be translated as "are to be deposited in the place for storing (sacred books) for the Community of Monks from the Four Directions." But Dutt almost certainly has only reproduced a mistake in the manuscript and thereby created a "ghost word"—*dhāraṇa-koṣṭhikāyāṃ*—which quickly found its way into Edgerton's dictionary (s.v. *koṣṭhikā*), whose definition, "a place for storing and keeping (sacred books)," I have used in the preceding translation. What is, however, almost certainly the intended form is first of all clear from the Tibetan translation of this passage: *phyogs bzhi'i dge slong gi dge 'dun gyi ched du spyir mdzod du gzhug par bya'o.*[20] The important word here is *spyi*, a well-attested equivalent for which is *sādhāraṇa*, "in common," and the Tibetan is easily rendered as: "to be placed in the depository as common property for the Community from the Four Directions." Oddly enough, further confirmation that *dhāraṇa-* is a scribal error for *sādhāraṇa-* is found almost immediately in the same *vinaya* passage.

After stipulating what should be done with the two sorts of books, the passage moves on to discuss two sorts of what the Sanskrit text calls *patra-lekhya*, which were also included in the estate. The Sanskrit term would mean something like "written document," but both the Tibetan translation and the context indicate that the term refers to some kind of written lien or contract of debt. The Tibetan renders it by *chags rgya*, a term not found in the standard dictionaries but cited in the *Bod rgya tshig mdzod chen mo* (p. 779) as "archaic" (*rnying*) and defined there as *bu lon bda' ba'i dpang rgya*, "a witnessed marker that calls in a debt," and in Roerich's *Tibetsko . . . Slovar'* (3.70) as a "promissory note." The context too points in this direction when it indicates that there are two kinds of *patra-lekhya*, one that can be realized or liquidated quickly (*patra-lekhyaṃ yacchīghraṃ śakyate sādhayituṃ*) and one that cannot. The former are to be called in immediately and what is realized is to be divided among the monks. In regard to one that cannot be realized quickly,

the text says—again in Dutt's edition—*tac cāturdiśāya bhikṣusaṃghāya dhāraṇa / koṣṭhikāyāṃ prakṣeptavyaṃ*. Here Dutt emends against both the manuscript and the Tibetan only to produce a text whose sense is not immediately clear. The manuscript has, of course, *tac cāturdiśāya bhikṣusaṃghāya sādhāraṇaṃ koṣṭhikāyāṃ prakṣeptavyaḥ*, "that is to be placed in the depository as common property for the Community from the Four Directions."[21] The Tibetan corresponds exactly to the manuscript reading and is virtually the same here as in the passage dealing with books: *de ni phyogs bzhi'i dge slong gi dge 'dun gyi ched du spyir mdzod du gzhag par bya'o.*

It would appear, then, that the term *dhāraṇa-koṣṭhikā* is not yet attested—certainly not in the *Vinaya* passage that Edgerton cites for it—and is, rather, a ghost word based on an unnoticed scribal error. For our more immediate purposes, however, it can now be said that the term *mdzod*, which occurs in our text from the *Vinayavibhaṅga* as the word for the place or thing in which the perpetuities were initially deposited, is, elsewhere in the same *Vinaya*, used to translate the Sanskrit *koṣṭhikā*, and that a *koṣṭhikā* in a Buddhist monastery was a place, probably a room, in which not only books but also legal documents and money were kept. Incidentally this may give us some indirect indication of both the value and the rarity of books at the time these texts were written—they certainly did not circulate!

When we move from architectural terms to the legal vocabulary of our text, we move as well to a somewhat different set of problems and, significantly, to a different class of literature. For the architectural terms in our Tibetan text, we had at least established Sanskrit equivalents or other *vinaya* texts in Sanskrit that would allow us to establish such equivalents. For the legal vocabulary there is often neither. Several of the technical terms that occur in our text are not listed in Chandra's *Tibetan-Sanskrit Dictionary*, for example; and most of those that are—and for which there are, therefore, at least attested Sanskrit equivalents—are cited from passages in which those terms are not used with the technical meanings that they appear to have in our text. Moreover, I know of only a single Buddhist text that deals with some of the same matter as our *Vinaya* passage, and it is itself not free of problems. If, then, the vocabulary of our passage was peculiar to known Buddhist literature, the situation would be decidedly grim. But—unless I am much mistaken—this vocabulary is by no means Buddhist but is widely attested and fully discussed in Sanskrit legal literature. This [532] *dharmaśāstra* literature will, I think, allow us to reconstruct much—though not all—of the Sanskrit vocabulary that underlies our Tibetan text, and the partial Buddhist parallel will allow us to confirm—at least in part—these reconstructions. The linkage of our text with Hindu legal literature, moreover, may also tell us something important about both the nature and the history of the *Mūlasarvāstivāda-vinaya*, if not about Buddhist *vinaya* as a whole.

Given what has been said so far, it must be immediately noted that the first term we might deal with is not, as such, attested in *dharmaśāstra*. The term is that which I have translated as "perpetuity." Gernet translates the Chinese corresponding to this as "des biens inépuisables" but is not able to cite a Sanskrit equivalent. For our Tibetan text, however, the Sanskrit original is virtually certain. The Tibetan term is *mi zad pa*. This is a well-known and widely attested translation of Sanskrit *akṣaya*, "exempt from decay" or "undecaying," hence "permanent." The problem, of course, is that *akṣaya* is in both form and function an adjective and yet was almost certainly being used in the Sanskrit underlying our Tibetan as a substantive—it referred to a "thing." What that "thing" was, moreover, is unusually clear from our text itself. It was, first of all, a kind of donation that the donors expected to continue to work long after they themselves were dead; it was the gift of, apparently, a certain sum of money, but that sum was not itself—as the donor's remarks in our text make clear—ever to be spent. It was to be lent out on interest, and the interest alone was to be used for specific purposes. It was, in short, a conditioned endowment the principal of which must remain intact and was, therefore, "permanent." Sanskrit lexicography, moreover, knows a word for exactly the kind of donation our text presents, and it is a term that is too close to *akṣaya* to be unrelated. That term is *akṣaya-nīvī*, and there are a number of interesting things about it.

A number of our Sanskrit dictionaries, Monier-Williams and Apte, for example, are able to cite only a single source for the term, which they define as "a permanent endowment"—namely, Buddhist inscriptions. And although it is true that inscriptional evidence for *akṣaya-nīvī* or variants of it is—as Derrett says—"rich," far richer than he himself indicated, it is by no means exclusively Buddhist. One of the earliest occurrences of the term does indeed come from a Buddhist record from Alluru in Andhra that has been dated to the end of the first century C.E. or to the second century;[22] and there are, for example, as many as nine inscriptions from the Satavahana period from the Buddhist site at Kānheri that refer to *akṣaya-nīvīs*.[23] But yet another of the earliest inscriptional references to this sort of endowment comes from Kuṣān Mathurā, and there the endowment was intended to feed a hundred *brāhmaṇas* and the destitute.[24] In fact, references to *akṣaya-nīvīs* continue to occur through the Gupta period and beyond in both Hindu and Jain inscriptions, as well as Buddhist.[25]

That the type of donation called an *akṣaya-nīvī* in inscriptions is the same type of donation that our *Vinaya* text calls an *akṣaya* will, I think, be clear from even a single well-preserved example of such an inscription. This example is a fifth-century Buddhist record from Sāñcī written in good Sanskrit that details several separate endowments:[26]

> Success. The wife of the lay-brother (*upāsaka*) Sanasiddha, the lay-sister (*upāsikā*) Harisvāminī, has, after designating her mother and father beneficiaries (*mātā-pitaram uddiśya*), given twelve *dīnāras* as a permanent endowment (*akṣaya-nīvī*) to the Noble Community of Monks from the Four Directions in the Illustrious Mahāvihāra of Kākanādaboṭa [i.e., Sāñcī]. With the interest (*vṛddhi*) that is produced from these *dīnāras*, one [533] monk who has entered into the community is to be fed every day. Moreover, three *dīnāras* were given to the House of the Precious One (*ratna-gṛha*). With the interest (*vṛddhi*) from those three *dīnāras*, three lamps are to be lighted every day for the Blessed One, the Buddha, who is in the House of the Precious One.[27] Moreover, one *dīnāra* was given to the Seat of the Four Buddhas. With the interest from that, a lamp is to be lighted every day for the Blessed One, the Buddha, who is on the Seat of the Four Buddhas.[28] Thus was this permanent endowment (*akṣaya-nīvī*) created with a document in stone to last as long as the moon and sun (*ācandrārkka-śilā-lekhya*) by the lady, the wife of Sanasiddha, the lay-sister Harisvāminī.
>
> The year 131—the month *Aśvayuj*—day 5.

What we see here in this fifth-century record of an actual transaction is straightforward, is typical of both earlier and later inscriptional records of *akṣaya-nīvīs*, and documents what is obviously the same sort of donation that our *Vinaya* text describes. Sums of money are given to the monastic community, but the sums themselves are not to be spent. They are to remain intact and to be used as permanent sources for generating spendable income in the form of interest. Though this particular record does not explicitly say so, such sums could generate interest only if they were lent out or invested.

We gather, then, from inscriptional evidence that endowments of the kind described in our text were in actual practice called *akṣaya-nīvī*, *akṣaya-nīvī-dharmeṇa*, and so on; that—beginning at least in the first-second centuries C.E.—such endowments or donations were, in actual practice, frequently made; and that Buddhist, Hindu, and Jain communities or establishments all, in actual practice, benefited from such endowments. Such endowments were, it seems, important legal instruments used in widely separated geographical areas—from Andhra to Mathurā to Kānheri—over a long period of time. In light of its widespread use in actual practice, it is curious—Derrett says it is "odd," "puzzling," and "enlightening"—that there are no references to this legal device "in the fundamental materials of the *dharmaśāstra*."[29] Derrett draws from this situation a "lesson" that applies as well to Buddhist *vinaya*, where it has so often been assumed that "the *Vinaya Piṭaka* . . . enters at so great length into all details of the daily life of the recluses" and that if something was not mentioned in the *vinaya*, it was of no importance or did not occur. He says:

> It struck me as odd that a word which plays so important a role in the legal *practice* of ancient and mediaeval India [i.e., *nīvī*] should not appear, in its legal sense, in the fundamental materials of the *dharmaśāstra*. There is a lesson to be learnt from this . . . *viz*. that the *śāstra*, though strong on the jurisprudence of the ancient pre-Islamic legal system, did not aim to be comprehensive when it came to its incidents. This instance is worth pondering over. The more we discover about the utility of the *śāstra* in practice in ancient times the more puzzling it remains that technical terms which had great currency should be missing from the literature.

He ends by adding:

> The absence of the term from the abundant and versatile *dharmaśāstra* literature in these technical senses is most enlightening on the nature of that *śāstra*.[30]

The "absence" in the *dharmaśāstra* that Derrett refers to may now, however, have to be seen in yet another light, because even if we bracket, for the moment, the seemingly obvious identity between the inscriptional *akṣaya-nīvī* and the *akṣaya* of our *Vinaya* text, there is at least one other certain reference to an *akṣaya-nīvī* in the *Mūlasarvāstivāda-vinaya*, and this same *Vinaya* also gives other evidence of monastic property or wealth intended for loan. The reference occurs in the Sanskrit text of the *Cīvaravastu* recovered from Gilgit and forms a part of a passage dealing [534] with the monks' obligation to attend to, and to perform acts of worship for the benefit of, a sick and dying fellow monk. The text lists a series of possible ways to fund these activities—donors might be solicited, but if that does not work, then what belongs to the Community (*sāṃghika*) might be used. If that also does not work, the text says, "That which belongs to the permanent endowment for the Buddha is to be given" (*buddhākṣaya-nīvī-santakaṃ deyam*).[31]

Though welcome, there are two unfortunate things about this explicit reference to an *akṣaya-nīvī*. One is that this passage does not appear in the Tibetan translation of the *Cīvaravastu* and therefore does not give us an established Tibetan equivalent for the term. The other is that it gives us no information about this *akṣaya-nīvī*, apart from the fact that such endowments were known. But this, in itself, may allow one further observation. This passage not only suggests that *akṣaya-nīvīs* were known to the compilers of the *Mūlasarvāstivāda-vinaya*, but that they were so well known that no description or explanation of them was felt necessary. Moreover, the *Cīvaravastu* passage also seems to indicate that the compilers of this *vinaya* knew of "permanent endowments" that were set up for more than one purpose—otherwise the qualification "for the Buddha" would appear to have been unnecessary.

All of what we have seen so far would seem to show that the compilers of the *Mūlasarvāstivāda-vinaya* recognized a category of donations meant for loan; that they were familiar with endowments, the principal of which was to be lent out at interest, which they called *akṣayas*; and that they—unlike the authors of the *dharmaśāstra*—both knew and, at least on one occasion, used the term *akṣaya-nīvī*. But this last especially leaves us with the question of why, when they referred to a financial instrument that clearly corresponds to what epigraphical sources called an *akṣaya-nīvī*, they did not use this term, even though it must have been known in their circle. In other words, the question is, what is the relationship between *akṣaya* used as a substantive and the compound *akṣaya-nīvī*? The answer—or an answer—may turn on how common such endowments were and may lead us to conclude that *akṣaya* by itself is, paradoxically, a particular kind of Sanskrit compound.

Some years ago J. Gonda, to whom we owe so many close studies bearing on issues of Sanskrit syntax, published a paper on what he called "abbreviated nominal compounds." In his usual style, he gave copious examples of such compounds: *kalpa* for *kalpānta*, "the end of a *kalpa*"; *chada* for *dantacchada*, "lip"; *śākya* for *śākya-bhikṣu*, "a Buddhist monk"; *akṣa* for *akṣa-mālā*, "a rosary"; *bhadra* for *bhadrāsana*, "a particular posture of meditation"; and *kriyā* for *kriyāpāda*, "the third division of a suit at law"; and so forth. In all but one of these cases the first element of a two-part compound has come to be used by itself with the same meaning that was originally expressed by the whole compound. Gonda suggested that this is the more common pattern of such abbreviated compounds "that the omission of the former member probably is less common than that of the latter." He also noted that in such compounds "an adjective is, as a consequence of abbreviation, sometimes used as a substantive: *śveta-* for *śvetacchatra-* 'a white sun-shade.'" Finally, he suggested that such abbreviation "is also in Sanskrit less rare than those scholars who do not mention it at all seem to assume."[32]

Given what little that can be ascertained, it does not seem unreasonable to suggest that *akṣaya* in our *Vinaya* text is yet another example of such an abbreviated nominal compound: *akṣaya* is the first part of an attested two-part compound; the first element of that compound is used by itself with the same meaning that the compound itself has—both are used to refer to exactly the same sort of financial instrument; *akṣaya* is—like *śveta*—clearly an adjective, but, like *śveta* as an abbreviated compound, is just as clearly used as a substantive in our text. This explanation may be as good as we can get without further data. But even if only tentatively accepted, this explanation has at least some further implications.

Any attempt to explain the sorts of linguistic changes that produce things like abbreviation must, of course, skate very near speculation. Gonda, however, suggests the following:

> Whenever the speakers of a language need an expression which contains more information and applies to fewer objects than any simple words in their language, they are compelled to use several words or,—if the structure of their language allows it—to form a compound. If however the longer expression becomes in general, or within a definite group of speakers, more [535] frequently used than is necessary or convenient they are often abbreviated.

Gonda then cites from English the use of the word "bulb" for what was originally called the "electric light bulb."[33]

If we were to grant that something like this process worked on the compound *akṣaya-nīvī*, then this in turn would imply that among Buddhist groups the "longer expression" became "more frequently used than is necessary or convenient" and therefore could be—though it was not always—abbreviated. This would account for the continued usage of both *akṣaya-nīvī* and *akṣaya* but suggests as well that this particular form of endowment—as inscriptions prove—was particularly well known among Buddhists and, though not exclusive to them, may have been considered as largely theirs. If, moreover, the *akṣaya-nīvī* retained a Buddhist smell, this may account for the reluctance of "orthodox" *dharmaśāstra* authors to deal with it.[34]

Though much here remains uncertain, two related things do not. It is, I hope, already clear that the study of *dharmaśāstra* might profitably be expanded to include Buddhist *vinaya*, and that the study of Buddhist *vinaya* must most assuredly include the study of *dharmaśāstra*. One might even begin to suspect that much that is found in Buddhist *vinaya*—sleeping on low beds, not evading tolls, and so on—is there because similar concerns are addressed in *dharmaśāstra*. But apart from this question, which cannot be pursued here, it will hopefully become clear from what follows that *vinaya* and *dharmaśāstra* often speak the same language.

Fortunately, most of the legal vocabulary of our *Vinaya* text is far less complicated, and for some of it we have at least one Buddhist work extant in both Sanskrit and Tibetan that will provide attested equivalents and, as already noted, confirm what can be reconstructed from Hindu *dharmaśāstra*. Our text, for example, has the Buddha himself declare: "For the sake of the Community a perpetuity for building purposes must be lent on interest" (*dge 'dun gyi phyir mkhar len gyi rgyu mi zad pa rab tu sbyor bar bya'o*). The Tibetan I have translated as "lent on interest" is *rab tu sbyor ba*. The Tibetan, of course, does not normally have this meaning, but here the underlying Sanskrit cannot easily be doubted. Several equivalents are attested, and they are all forms from *pra√yuj*: *prayukta*, *prayukti*, *prayoga*.[35] Monier-Williams gives, as the technical meaning for *pra√yuj* in *dharmaśāstra* literature, "to lend (for use or interest)"; for *prayukta*, "lent (on interest)." The glossary in *Dharmakośa* I.3 has the following: *prayukta*, "invested (sum)," *prayoga*, "lending money at

interest," *prayojya*, "money lent at interest; investment," and so forth. Kangle's glossary to the *Arthaśāstra* also gives *prayoga* as "giving a loan" and *prayojaka* as "a lender of money." Our *Vinaya* text is, therefore, using not Buddhist vocabulary here but a vocabulary well established and current in *dharmaśāstra* and other Sanskrit texts dealing with legal and financial matters. Both the equivalence *rab tu sbyor ba* = *pra√yuj* and the sense "lend on interest" are, moreover, confirmed by the one Buddhist partial parallel that has already been referred to: Guṇaprabha uses a form of *pra√yuj* several times in the sense of "to lend" in his *Vinayasūtra*, and this is most often rendered into Tibetan by *rab tu sbyor ba*.[36] But here too the parallel between *dharmaśāstra* and Buddhist *vinaya* goes beyond items of vocabulary.

The compiler of our *Vinaya* text represents his monks as being aware of "rules of training" that would make lending on interest inadmissible. The declaration he attributes to the Buddha also does not negate the general principle involved but rather allows for specific purposes to which the inadmissibility does not apply. First, such activity is not only allowed but also to be pursued—the Tibetan is translating a future passive participle—for building purposes for the benefit of the Community. Then admissibility is extended to any purpose that is for the benefit of the Buddha, the Dharma, and the Community. Here our Tibetan text allows us to correct an observation made by Gernet in regard to the Chinese text. The latter has a passage corresponding to the Tibetan that I translate above as: "The Blessed One said: 'Perpetuities for the sake of the Buddha and the Dharma and the Community are to be lent on interest. What is generated from that, with that accrued revenue (*siddha*), worship is to be performed to the Buddha and the Dharma and the Community.'" But Gernet excludes it from his text and puts it in a footnote that says, "here are two phrases that presumably constitute a note."[37] [536] Our Tibetan text, however, indicates that it is an integral and important part of the text: It explicitly and categorically extends the admissibility of lending on interest to purposes beyond building activities that will benefit the Community and allows it for what we might call, categorically, "religious purposes." Significantly, we find in *Manu*, for example, the same kind of dispensation and extension expressed in simpler, if rather curious, terms.

Manu X.117 is a good example of the "one must not, *but* . . ." pattern of promulgation typical of both *dharmaśāstra* and Buddhist *vinaya*. It starts by declaring absolutely that "a *brāhmaṇa* and even a *kṣatriya* should not, indeed, lend on interest" (*vṛddhiṃ naiva prayojayet*). Our *Vinaya* text, as noted above, presented Buddhist monks as knowing that their "rules of training" placed the same restrictions on them. But like the *Vinaya* text, *Manu* too—though in somewhat different terms—then lifts the restriction in regard to loans made for a certain and essentially similar purpose: "But, however, he may on his own accord place sums at low interest with a vile man *for religious purposes*" (*kāmaṃ tu khalu dharmārthaṃ dadyāt*

pāpīyase 'lpikām).[38] Here we appear to have not only another instance of shared vocabulary (*prayojayet*), but also an instance of parallel provisions for parallel purposes ("religious purposes"). And there are further examples of both.

As in the case of Tibetan *rab tu sbyor ba*, where the technical meaning "lend on interest" is not easily available in Tibetan itself, so too in the case of what I have translated as "accrued revenue." The Tibetan is *grub pa*, and the standard dictionaries give little or no indication that this term can carry such a meaning. But a well-attested Sanskrit equivalent for *grub pa* in other contexts is *siddha*, and *siddha* occurs several times in, for example, the *Arthaśāstra* with exactly this meaning.[39]

Although, as we will see, the route to the technical meanings of the Tibetan terms in our passage, or even to their Sanskrit equivalents, is not always the same or so straightforward, it invariably seems to involve going to *dharmaśāstra*. When, for example, our *Vinaya* text gets to its final instructions in regard to making a loan, it says first that one should take a "pledge of twice the value" of the loan. The Tibetan is *gta' nyi ri*, and at least the first element of this expression, *gta'*, is cited in the standard dictionaries in the meaning "pawn" or "pledge," and it occurs a couple of times in this sense in the Tibetan documents "concerning Chinese Turkestan" treated long ago by Thomas. In one of the latter, we find exactly the same expression that occurs in our *Vinaya* text, *gta' nyi ri*, but Thomas in his glossary queries his own translation, "of twice the value."[40] It is, in fact, almost certainly correct. Gernet translates the corresponding Chinese as "pledges worth twice the value of the loan," and the *Bod rgya tshig mdzod chen mo* (p. 101) defines *gta' nyis ri ba* as *bu lon gyi dmigs rten rin thang ldab ri ba*. Here, then, there is little doubt about the meaning of the Tibetan. But without a Sanskrit equivalent and some reference to *dharmaśāstra*, much might be missed.

Once again, neither *gta'* nor *nyi ri* occur in Chandra's *Dictionary*, nor are Sanskrit equivalents easily available in known Buddhist Sanskrit sources. We do know now, however, that our *Vinaya* text shares several lexical items, not with Buddhist texts but with Indian *dharmaśāstra* sources, so that we might expect that the same might hold in this case as well. And our expectations appear to be justified. If we consider our text to be an Indian text dealing with legal matters and laws of contract, then our sought-for equivalents can hardly be in doubt: Tibetan *gta'*, which means "pawn" or "pledge," is likely to be a translation of one or another of two Sanskrit terms. In his study of the "law of debt" in ancient India, H. Chatterjee says, "to convey the sense of pledge, two terms are used in the *dharmaśāstra*—one is *ādhi* and the other is *bandhaka*." He goes on to note that "it may be supposed that the use of the word *bandhaka* is of late origin" and that "it appears that the exact difference between the two words might have been lost long before the period of the digest writers."[41] Such considerations would suggest that the Sanskrit original of our *Vinaya* text probably read either *ādhi* or *bandhaka*, although we cannot

be absolutely certain which of these two actually occurred. In Guṇaprabha's text, *gta'* is twice used to render *bandhaka*. Guṇaprabha, however, is also relatively "late," so [537] we cannot be certain that this was also the term that occurred in our *Vibhaṅga* passage. But as in the case of *pra√yuj*, here too it is not just a single vocabulary item that is shared or similar between our text and *dharmaśāstra*, but an entire procedure. *Bṛhaspati* X.5, for example, stipulates—like the Buddha of our *Vinaya* text—that one should make a loan *after* having taken a pledge or deposit of full value (*paripūrṇaṃ gṛhītvādhiṃ bandhakaṃ vā*). He also says—and, as we will see, he is not alone—to get it in writing. But before we move to that point, we still have to account for our Tibetan *nyi ri*. Its significance too is clarified by *dharmaśāstra*.

Chatterjee, for example, indicates that the general understanding of a pledge of "full value" was that it was "sufficient to meet the capital with interest."[42] Our text, however, stipulates that the pledge be "of twice the value." In spite of appearance to the contrary, these two positions are almost certainly the same, their identity turning on a "general rule" of *dharmaśāstra* in regard to the allowable amount of interest that can be charged on a loan. This rule not only may explain how these two positions are essentially the same but also almost certainly provides us with the Sanskrit term that was translated by *nyi ri*. In *dharmaśāstra* this rule is known as the rule of *dvaiguṇya*, or "doubling." *Arthaśāstra* 3.11.6, for example, clearly recognizes this principle when it says that even in cases where a debt is long outstanding, the debtor still pays only double the principal (*mūlya-dviguṇaṃ dadyāt*). *Manu* VIII.151 is even more explicit when it says that interest from loans of money should, when taken at one time, not exceed double the amount of the loan (*kusīda-vṛddhir dvaiguṇyaṃ nātyeti sakṛdāhṛtā*). This principle—that "at one investment the interest and capital taken together should not be more than twice the capital"—is widely attested, even if, in time, a number of ways of getting around it were developed.[43] For our purposes, however, we need only note two things. First, although our *Vinaya* text does not explicitly refer to the rule of *dvaiguṇya*, the instructions put in the mouth of the Buddha implicitly acknowledge it. To take a pledge of twice the value of the loan is to take a pledge of the value of the loan plus the value of the maximum interest allowed by *dharmaśāstra* rule: no more, no less. Second, if one were to translate Tibetan *nyi ri* into Sanskrit, one could easily go with *mūlya-dviguṇa* (*Arthaśāstra*) or simply *dvaiguṇya* (*Manu*). In Guṇaprabha, again, *nyi ri* translates *dviguṇa*—almost exactly as we would expect.

After "taking a pledge," our text refers to "writing out a contract that has a seal and is witnessed." The Tibetan here is *dpang po dang bcas pa'i dam rgya'i glegs bu bris te* and is not entirely clear to me. I-ching may also have had some trouble with his text at this point as well. In Gernet, at least, what appears to be the corresponding clause is rendered simply as "Let there be . . . contracts drawn up. In

addition, a guarantee (*pao-cheng*) shall be deposited." We might begin with what is clear.

Glegs bu, the term I translate by "contract," is once again not listed in Chandra's dictionary, but a passage in the *Cīvaravastu* that we have already referred to provides us with an attested Sanskrit equivalent. Our term occurs four times in this one passage: *glegs bu la bris te* = *patrābhilekhyaṃ kṛtvā*; *glegs bu la bris nas* = *patrābhilikhitaṃ kṛtvā*; *glegs bu la ma bris ba* = *apatrābhilikhitaṃ*; and *glegs bu la bris pa* = *patrābhilikhitaṃ*.[44] Given that *'bri ba, bris ba* is the usual Tibetan word for "to write," or *likhati*, then *glegs bu*, strictly speaking, is here translating *patra* (*pattra*), "document," and *patrābhilikhita*, as a noun, would mean "written document." Context alone would determine that in these *Cīvaravastu* passages it means "will," whereas in our passage what was likely the same form almost certainly means "contract."

This time when we look to *dharmaśāstra* for clarification, it proves to be—at least on one level—less useful. This in large part may only be because the use of writing and the place of written documents in the *dharmaśāstra* has yet to be as systematically studied as many other topics, and the vocabulary of both is, as a consequence, not yet fully fixed.[45] What can be surmised at the moment is this: the terms *abhilikhita* and *abhilekhya*—both in the sense of "a document"—occur in *dharmaśāstra*, but very rarely; *patra* in the senses of "written document," "letter," "paper," "a leaf for writing on," and so on occurs more commonly, but *dharmaśāstra* appears to overwhelmingly prefer *likhita* or *lekhya* when referring to documents. It should be noted, however, that though it might prefer a slightly different expression, *dharmaśāstra*—like Buddhist *vinaya*—uses the same terms to refer to a wide range of what we would consider [538] different kinds of documents: *likhita* and *lekhya* are used indiscriminately to designate mortgages, deeds, contracts, and bills of sale. Here too, the partial parallel in Guṇaprabha is much less useful: the Sanskrit text—which appears to be faulty at this point—has *āropya patre*, "having recorded in a document," and this is translated into Tibetan by *dpang rgyar bris nas so*, "having written in a sealed bond." It would appear that Guṇaprabha's text was not using the same vocabulary as our *Vibhaṅga* passage. But lest it be lost sight of, the most general point that needs to be noted here—though we will come back to it—is this: Although the reference to written contracts in our *Vinaya* text may—as a piece of *vinaya*—appear unusual, even odd, it looks quite normal when seen in light of *dharmaśāstra* of a certain period. Normal, too, it seems, is at least one of the two further qualifications of the "contract" found in our text.

The Tibetan expression I have rendered into English as "is witnessed" is *dpang po dang bcas pa*, and—although absent from Chandra—there can be little doubt about the Sanskrit underlying it: *dpang* or *dpang po* is a common translation for *sākṣin*, "witness," and *dang bcas pa*—like *can*—is a good translation for the Sanskrit suffix *-mat*,

"having," "possessing." Although Guṇaprabha is here of little use, having—as we will see—constructed his text differently, still *sākṣimat*, "having a witness," "witnessed," or "attested," is itself widely attested in *dharmaśāstra* in connection with documents. *Yājñavalkya* says that for any contract entered into by mutual consent there should be "a witnessed document" (*lekhyam . . . sākṣimat*).[46] *Nārada* I.115 says of documents (*lekhya*) that they can be both "witnessed and unwitnessed" (*asākṣimat sākṣimac ca*). But if we are on firm ground here, we are less so in regard to the second expression applied to "contracts" in our *Vinaya* text, and that is unfortunate.

What I have translated as "has a seal" is *dam rgya* in Tibetan. Jäschke says that *dam rgya* = *dam ka*, which he defines as "a seal, stamp." The *Bod rgya tshig mdzod chen mo* (p. 1244) defines *dam rgya* first as *thel rtse*, a variant of *thel se*, which also means "a seal, stamp." It then says it is "old" for *dpang rgya* (which Thomas takes to mean "witness signature"), "attestation seal," *khrims rgya*, "legal seal," and *dam tshig gi phyag rgya*, "a seal of promise." Thomas, finally, takes it as "a signed bond,"[47] and in Guṇaprabha *dpang rgya* can only be translating *patra* if—and this is far from certain—it is translating a text similar to the Sanskrit that we have. Obviously the precise meaning of the Tibetan expression in our *Vibhaṅga* passage has yet to be determined, though its general sense of "seal" is relatively certain. The problem for us, however, is that whereas all meanings adduced for *dam rgya* would make it a noun, in our *Vinaya* text it appears to be by position and function an adjective; the construction remains, for me at least, obscure. It may be, of course, that the Tibetan *dpang po dang bcas pa'i dam rgya'i glegs bu* is translating some sort of possessive compound.

The significance of all this is that there is almost certainly lurking behind the Tibetan some form of *mudrā* or *mudrita* and that we may have in our passage, therefore, a rare reference to the use of a kind of "object" that frequently is found at Buddhist monastic sites in India. Monastic seals—more commonly sealings—have been recovered from a wide variety of monastic sites—Vaiśālī, Kasia, Kauśāmbī, Nālandā, and so on—sometimes in considerable numbers.[48] Because they almost always bear the name of a monastery, they could be, and have been, used to identify the site from which they come. But there is a problem here recognized long ago by Vogel.

Cunningham early on had identified Kasia with Kusinārā, the site of the Buddha's death. When Vogel actually excavated Kasia, he recovered a number of sealings, typical of which is one bearing the legend *Mahāparinirvāṇe cāturdiśo bhikṣusaṅghaḥ*, "The Community of Monks from the Four Directions at (the site) of the *Mahāparinirvāṇa*." Vogel assessed this new evidence in the following way:

> As long as the use of these documents [i.e., the sealings] has not been ascertained it is impossible to decide whether their evidence tends to prove or to disprove Cunningham's theory. If they belong to the spot where they [539] were found—

> and the variety of their dates and uniformity of their legends seem to point to that conclusion—they would vindicate Cunningham's identification. If, on the other hand, they were attached to letters and parcels—and this seems to be the most likely use they were put to—they would place beyond doubt that the Convent of the Great Decease is to be sought elsewhere.[49]

When the problem is formulated in this way, it is not difficult to see how our *Vinaya* passage may bear on the issue. If—as seems likely—our passage is referring to the use of such sealings on written contracts for loans made from permanent endowments held by a monastic community, and if, therefore, such sealings were used for this purpose and not for "letters and parcels," then—since we know that such documents were placed in the monastery's "depository"—our passage would support the view that such sealings "belong to the spot where they were found." Moreover, if our passage is referring to the use of sealings of this sort—and again this seems likely—then those sealings in turn could have considerable evidential value for the use of the legal instruments described in our text: If they were used to "seal" loan contracts, then their presence at Buddhist sites will allow us to date the use of such contracts in actual practice at certain sites, and they will provide some indication of the frequency of their use at certain times. They could, in short, be extremely valuable.[50]

In regard to what was to be included in such written contracts of loan, Buddhist *vinaya* and Hindu *dharmaśāstra*, beginning with *Yājñavalkya*, are again in close basic agreement, although *Yājñavalkya* is already fuller than our *Vinaya* passage. *Yājñavalkya* (11: 5.86–89) says:

> For whatever business (*artha*) is freely and mutually agreed upon, a witnessed document should be made (*lekhyaṃ vā sākṣimat kāryaṃ*). The creditor (*dhanika*) should be put first. [540]
>
> With the year, the month, the fortnight, the day, place of residence, caste, and *gotra*,
>
> With the name of a fellow student, his own, and his father's it is marked (*cihnita*).
>
> When the business (*artha*) is concluded, the debtor (*ṛṇin*) should enter his name with his own hand
>
> (Adding) "what is written above concerning this matter is approved by me, the son of so-and-so."
>
> And the witnesses, in their own hand and with their father's name first,
> Should write: "In this matter I, named so-and-so, am a witness."

Then a number of other details and conditions of validity follow, but what is cited above is surely enough to establish the fundamental similarity between the con-

tract described in our *Vinaya* passage and the contract described by *Yājñavalkya*. The differences, insofar as they exist, reflect, in part, the concern of *Yājñavalkya* with greater detail and technicality and, in part, the fact that our *Vinaya* passage is describing a contract of loan not between individuals but between an individual and an institution. As a consequence, it is not the creditor's name, for example, that should be registered but the names of two representatives of the institution—the Elder of the Community and the Provost of the monastery—that is making the loan.[51]

But one final textual problem remains. The final sentence of our passage in its Chinese version reads, as Gernet has translated it: "Even if you are dealing with a believing *upāsaka*, one who has received the five instructions, he shall likewise be obliged to furnish pledges." Gernet sees here "a very clear sense" on the part of the redactor that business is business ("les affaires sont les affaires"), and the requirement that even a devout lay-brother must give a pledge when borrowing from the community.[52] The Tibetan text reads *gang la sbyin par bya ba dge bsnyen dad pa can bslab pa'i gzhi lnga bzung ba la yang gta' nyi ri kho nas sbyin par bya'o*, and—although it is not impossible to interpret it in a similar way—there are several things that appear to make such an interpretation difficult.

First, the verb used in the Tibetan to express the action undertaken in regard to the lay-brother—*sbyin ba*—cannot mean "to receive from." It is the same verb our passage uses more than a half a dozen times to express the "giving" or "placing" of the loan, for example, *bcom ldan 'das kyis bka' stsal pa / de dag la sbyin par mi bya'o*: "The Blessed One said: (Perpetuities) should not be placed among them.'" That it could mean anything else in this one instance, after being consistently used in all the previous instances, seems unlikely.

The careful characterization in our passage of the kind of lay-brother involved must also be considered. That lay-brother is not just any lay-brother but is explicitly said to be "a devout lay-brother who has undertaken the five rules of training" (*dge bsnyen dad pa can bslab pa'i gzhi lnga bzung ba*), and elsewhere in our *Vinaya* this kind of characterization marks a particularly trustworthy individual. In a passage in the *Vinayavibhaṅga* that comes only a few folios before our text, for example, it is said that when *vihāras* were built in "border regions" (*mtha' 'khob*), monks frequently abandoned them in times of trouble. As a consequence they were also frequently looted. In response to this situation the Buddha is made to say: "The treasure and gold belonging to the Community or the *stūpa* (*dge 'dun bye* [read: *gyi*] *'am mchod rten gyi dbyig dang gser*) should be hidden. Only then should you leave." But the monks did not know who should do the hiding. Then, the text says:

> The Blessed One said: "It should be hidden by an attendant of the *vihāra* (*kun dga' ra ba pa*) or a lay-brother."

> But then those who hide it stole it themselves. Then the Blessed One said: "It should be hidden by a devout lay-brother (*dge bsnyen dad pa can*)."[53]

From this and similar passages, it would appear that "devout"—as opposed to ordinary—lay-brothers were considered worthy of trust, especially in regard to matters involving valuable property. The chances seem good that our text should be taken as supplying another instance of the same sort of thing.

Finally, "pledges"—at least according to *dharmaśāstra*—were, or came to be, fairly complex affairs. Two basic kinds were referred to: *gopya*, or "pledges for custody," and *bhogya*, or "usufructuary pledges." The first was [541] to be kept; the second was to be used, that is to say, to generate profit. Pledges could be anything from a copper pan or cloth to female slaves, or fields, gardens, cows, or camels. There were other refinements and complexities as well.[54] How much of this was known to the redactor of our *Vinaya* is, of course, impossible to say. Our passage says nothing that would indicate his awareness. It is, however, safe to assume that, even before the stage of complexity had been reached that we see in some *dharmaśāstra*, the taking of pledges would have created some awkward problems for monastic communities. And it is, again, reasonable to assume that such monastic communities would have solved such problems by one of their favorite devices—recourse to lay middlemen. This, I think, is what our text is saying.

Now that we have come this far, all that remains is the hard part. We must at least try to determine several interrelated things. We must make some attempt to determine how important the perpetuities or permanent endowments mentioned in our text were, and what—if any—further history our text or similar *vinaya* rulings on written contracts had. We must make some attempt to determine what the religious and institutional situations were that stimulated Mūlasarvāstivādin *vinaya* masters to create or borrow these legal instruments. And we must make some attempt to place our *Vinaya* text in the still uncertain history of *dharmaśāstra*. In none of these endeavors can we expect complete success.

It of course goes without saying that we have at our disposal almost no means of determining what was and what was not particularly important in the enormous *Mūlasarvāstivāda-vinaya*. But there is at least one rough indicator of what in this *Vinaya* was thought important in the early medieval period: We are able to determine what Guṇaprabha, who has been dated to a period between the fifth and seventh centuries and who may have been from Mathurā, chose to include in his *Vinayasūtra*. Guṇaprabha's *Vinayasūtra* appears to have been the most authoritative epitome or summary of the *Mūlasarvāstivāda-vinaya*, and Bu-ston, at least, cites it as a model of the type of treatise that condenses "excessively large (portions of) scripture."[55] Given that Guṇaprabha has reduced or condensed what takes up more than four thousand folios in the Derge edition to no more than a hundred,

it is obvious that he had to make some austere choices. He would have been able, presumably, to include only what would have been considered—or what he considered—essential to an understanding of the whole. His choices, therefore, can be revealing and at times—at least to some—may appear surprising. Professor Schmithausen, for example, in his fascinating paper on the "sentience of plants," has several times referred to a text in the *Vinayavibhaṅga* of the Mūlasarvāstivādins that describes a monastic ritual that must be performed before cutting down a tree.[56] The ritual contains several significant elements that also form a part of the funeral ritual for dead monks, but the text looks like a minor appendix of no great importance. Guṇaprabha, however, includes an almost complete description of the ritual in his epitome.[57] It is much the same for our rules.

Although our text, where it is now found, may also look like an appendix, and although it appears to have no known parallels in other *vinayas*, the continuing importance of at least the subject that it treats for the Mūlasarvāstivādin order would appear to be indicated by [542] what we find in Guṇaprabha's *Sūtra*. But there is also something of a surprise here. As our discussion of the vocabulary of our *Vibhaṅga* passage undoubtedly indicated, Guṇaprabha does, indeed, include lending on interest and written contracts in his *Sūtra*. And they are presented—as one would expect—in very much the same terms as in our canonical text: Guṇaprabha, like all good epitomizers, appears to be neither creative nor original. The surprise, however, is that although Guṇaprabha presents in his *Sūtra* what can, in part, easily be taken as a condensation of our text, he himself in his auto-commentary—the *Svavyākhyānābhidhāna-vinaya-sūtra-vṛtti*—actually cites another source when he comments on that material, and he gives there a frame story that would seem to indicate that our material was indeed found, as well, in a second source.

There is much to be learned both about and from Guṇaprabha's *Sūtra* and *Vṛtti*, but to date, it has received little attention. In the *Vṛtti*, for example, Guṇaprabha frequently cites or quotes his authorities and therefore gives us some indication of where he got his material. Most commonly, however, his references are given under a general rubric like *tathā ca granthaḥ*, "and thus is the text,"[58] or *ity atra granthaḥ*, "it is said in this case in the text" (*Sū*. 177, 181, 183, etc.), or *grantho 'tra*, "the text here is" (*Sū*. 193). In these general references "the text" appears to refer to the canonical *Vinaya*. Sometimes he even uses the phrase *vinaye uktam*, "it is said in the *Vinaya*" (*Sū*. 82). Such references can sometimes be particularly frustrating because, though commenting on his summary of one section of the *Vinaya*, he sometimes quotes from a completely different section. At one place in the *Vṛtti* dealing with the *Pravrajyāvastu*, for example, he quotes a passage under the rubric *ity atra granthaḥ*, which does indeed come from the canonical *Vinaya* but not from the *Pravrajyāvastu*; it comes instead from the *Cīvaravastu*.[59] Sometimes, happily,

he is more specific. Occasionally, he says something like *vibhaṅgād etad śayanāsana-śikṣāpadāt*, "this is from the *Vibhaṅga*, from the rules of training in regard to beds and seats" (*Sū*. 389), or *grantho 'tra bhikṣuṇīvibhaṅge* "here is the text in the *Bhikṣuṇī-vibhaṅga*" (*Sū*. 591), or *poṣadhavastu atra granthaḥ*, "the text here is the *Poṣadhavastu* (*Sū*. 646). Citations of this sort—because they can considerably reduce the range—are, of course, more suited to our needs. But even some of these more specific references can be problematic. Several times, for example, Guṇaprabha cites material under a rubric referring to an or the "Introduction": *iti nidānam*, "the *Nidāna* says" (*Sū*. 327), or *atra granthaḥ nidānāt*, "here is the text from the *Nidāna*" (*Sū*. 384), or *nidāne yad uktam*, "what was said in the *Nidāna*" (*Sū*. 422). In cases such as these it is not always clear whether the reference is to a part of a work or a work entitled *Nidāna*. The material Guṇaprabha cites in commenting on lending on interest and written contracts is also cited under such a rubric.

In his auto-commentary Guṇaprabha introduces the passage of most direct interest to us with the following phrase: *'dir gzhung ni ma mo las 'di lta ste*. The translation of this seems straightforward: "here the text is from the *Mātṛkā*, namely. . . ." There is, as well, at least one similar reference in the first chapter of the *Vṛtti*, the only part of the Sanskrit text of the commentary that has been published so far: *mātṛkāyām atra granthaḥ*, "the text here is found in the *Mātṛkā*" (*Sū*. 165). Although the Tibetan translation of this second reference differs slightly from that of the first—*'dir ma mo'i gzhung las*—there can be little doubt that both are referring to the same work. The problem, of course, is that we do not—at least I do not—actually know what work this is. The Tibetan tradition does not appear to preserve a canonical *vinaya* text with this title; the Chinese canon has one text—*Taishō* 1441—whose reconstructed title is *Sarvāstivādavinaya-mātṛkā*, but this reconstruction is marked as doubtful by the *Hōbōgirin* catalog; equally doubtful apparently are the titles of two other texts—*Taishō* 1452 and 1463—which are given as "[*Mūlasarvāstivāda*]*nidānamātṛkā*?" and "*Vinayamātṛkā*?"[60] Fortunately, this does not have to be sorted out here. For our purposes we need only note that Guṇaprabha cites technical material bearing on lending on interest and written contracts that is, in the main, quite close to that found in our text in the *Vinayavibhaṅga*, but he cites at least a part of it from a different, second source. Any doubt that he got this material from—or at least knew as well—a source different from our *Vinayavibhaṅga* passage is quickly dissipated by looking at what he actually said.

The *Sūtra* itself gives the first indication that Guṇaprabha is not necessarily dependent on our [543] *Vibhaṅga* passage for his material. In speaking about a certain kind of chattel (*upakaraṇa*), Guṇaprabha says:

> It should be lent on interest for the sake of the (three) Jewel(s).
>
> When there is a monastery attendant or lay-brother, he should be used.

(It should be loaned) after taking a pledge of twice the value (of the loan and) after recording in a document the witness, the year, the month, the day, the Elder of the Community, the Provost of the monastery, the borrower, the capital, and the chattel.

prayuñjīta ratnārtham /
ārāmikopāsakayoḥ sattve niyogeta /
bandhakaṃ dviguṇam ādāya sākṣi-saṃvatsara-māsa-divasa-saṃghasthaviro(?) *vārika* [read: *opadhivārika*]-*gṛhītṛ-dhana-lābhān āropya patre* /

kun dga' ra ba pa 'am dg[e] bsnyen dag yod na bsko bas dkon mchog gi don du bskyed par bya'o /
gta' nyi rir blang par bya'o / *dpang po dang* / *lo dang* / *zla ba dang* / *nyi ma dang* / *dge 'dun gyi gnas brtan dang* / *dge skos dang* / *len pa po dang* / *rdzas dang bskyed rnams dpang rgyar bris nas so* /[61]

It is, of course, immediately obvious that what Guṇaprabha says about taking a "pledge" and the contents of the contract are close—though not fully identical—to what our *Vibhaṅga* passage says. But what precedes this is not. The references to the monastery attendant and the lay-brother must, at least, come from what Guṇaprabha calls in his auto-commentary the *Mātṛkā*. The auto-commentary says, in fact:

Here the text is from the *Mātṛkā*, namely: "When, after having had both a *stūpa* of the Blessed One and a domed chamber (*gtsang khang byur bu*)[62] made, the merchants of Vaiśālī consigned chattels (*yo byad*) to the monks for the maintenance (*zhig ral du mi 'gyur ba*) of *stūpas* and domed chambers, the monks, being scrupulous, did not accept them.

The monks reported the matter to the Blessed One.

The Blessed One said: "I authorize that chattels for the maintenance of a *stūpa* should be accepted by a monastery's attendant (*kun dga' ra ba* = *ārāmika*) or a lay-brother (*upāsaka*). Having accepted them, they should be used to generate interest (*bskyed par bya ste*). As much profit as is produced in that case should be used for worship of the *stūpa*."

In regard to the words "a pledge of twice the value should be taken" (*gta' nyis rir blang bar bya'o*), so that there should be no loss, this—by its force—should be considered as "a means that avoids a default" (*'di spang ba mi skyed pa'i yan lag tes bya ba shugs kyis rtogs par bya*).

It might be asked how, after having accepted it, the chattel is to be lent on interest (*sbyar bar bya*). For that reason it is said: After having written with a witnessed seal the witness, the year, the month, the day, the Elder of the Community, the Provost of the monastery, the borrower, the property, and the in-

terest (*dpang po dang lo dang zla ba dang nyi ma dang dge 'dun gyi gnas brtan dang dge skos dang len pa po dang rdzas dang skyed rnams dpang rgyar bris nas so*), et cetera.[63]

The Tibetan text of Guṇaprabha's commentary is here—as it frequently is elsewhere—difficult, and I am not sure that I have always correctly understood it. It is, moreover, not entirely clear where the boundaries of his quotation or paraphrase of the *Mātṛkā* are. Given this, the following appear to be firm. Guṇaprabha knew where in the *Vibhaṅga* the topics of lending on interest and written contracts occurred, because in his *Sūtra* he treats these topics under the nineteenth *niḥsargika-pātayantikā* offense, and this is precisely where they are treated in our *Vibhaṅga*. But he also knew another passage—this one in the *Mātṛkā*—which dealt at least with lending on interest. The *Mātṛkā* passage dealt with chattels, not perpetuities; it also had the Buddha authorize lending activities undertaken by a monastery's attendant or a lay-brother—it did not authorize monks to do so. For lending on interest, Guṇaprabha chose to follow the *Mātṛkā* text, and this is explicitly confirmed in his auto-commentary. In regard to written contracts, it would appear either that he reverted to our *Vibhaṅga* text or that the *Mātṛkā* text had itself almost the same material as our text in the *Vibhaṅga*. There are, for example, some differences in what our *Vibhaṅga* text indicates should be included in the contract, and what is indicated in Guṇaprabha. It is, however, difficult to know what—or how much—to [544] make of this. There are also in all the sources a number of textual problems that have to be worked out.

But even if our discussion leaves a number of points and problems hanging, it does allow some observations on the importance of lending on interest and written contracts of debt in Mūlasarvāstivādin *vinaya* literature. The canonical *Vinaya* of the Mūlasarvāstivādins had at least two texts or sets of rules concerning lending on interest, and both were associated with the need to maintain durable architectural forms and finance ritual. There were as well—probably—two sets of rules regarding written contracts of debt. Both lending on interest and contracts of debt continued, moreover, to be of interest to Mūlasarvāstivādin *vinaya* masters, at least up until the seventh century—though Guṇaprabha was working with severe space limitations, he chose to include a fairly detailed discussion of both in his *Vinayasūtra*. It will have been noticed that Guṇaprabha does not specifically mention *akṣayas* or *akṣaya-nīvīs*. We might surmise that lending on interest was at first particularly associated with such endowments but by his time had come to be associated with all sorts of chattels or property. This, in turn, might explain his preference for the *Mātṛkā*. We simply do not know. It is also notable that both Guṇaprabha's presentation and apparent preference for the *Mātṛkā* appear to shift the financial activities involved away from monks and—if possible—into the hands

of lay monastic functionaries. The reasons for such a shift, or any historical situation it may reflect, remain, however, undetermined.

Although questions of this sort must for now remain open, Guṇaprabha's *Vinayasūtra* may still allow us in a general way to extend the history of interest in—or at least knowledge of—Mūlasarvāstivādin monastic rules governing lending on interest and written contracts of debt. These rules, as indeed the Sanskrit text of the *Vinayasūtra* that has come down to us, were, to judge by the colophon of the text, known at the Vikramaśīla Monastery in Eastern India. Although the colophon as it is printed is difficult to make sense of, one important statement seems clear. That colophon says in part:

> *Śākyabhikṣu-Dharmakīrttinā sattvārthe likhitam*
> *Śrīmad-vikramaśīlāṃ* [*sic*] *āśritya phālguṇamāse*[64]
>
> Copied by the Śākyabhikṣu Dharmakīrti, for the benefit of living beings, when residing at Vikramaśīla, in the month of Phālguṇa.

What information we have suggests that Vikramaśīla was founded in either the eighth or the ninth century and was probably destroyed in the twelfth,[65] so our copy of the *Vinayasūtra* can be assigned to sometime during this period.

We can, in sum, track our Mūlasarvāstivādin rules starting from the *Vinayavibhaṅga* in—as we shall see—about the first century C.E. They also occurred, with at least a different frame-story, in a text called the *Mātṛkā*. They were known and repeated by Guṇaprabha, who lived perhaps at Mathurā sometime between the fifth and seventh centuries. And Guṇaprabha's summary was itself known and copied sometime after the ninth century at the Vikramaśīla Monastery. Though such a trail is not much, it is far more than we usually have, and it testifies to the continuing currency of our rules through both time and space.

The redactor of our *Vinayavibhaṅga* text appears to have thought, or to have wanted others to think, that the Buddhist monastic community began to accept endowments, to lend on interest, and to use written contracts, not on its own initiative but in response to the concerns of lay donors about what would happen, after they were dead, to the establishments they had founded and were themselves able to maintain while they were alive. Confronted with the visible deterioration of their *vihāras* in their lifetime, lay donors are made to say—in effect—"if this happens while we are still alive, it obviously will occur even more so when we are dead." It is this concern that—according to our text—gives immediate rise to the resolve on the part of lay donors to provide the monastic community with permanent or perpetual endowments, and to ensure, in effect, that their *vihāras* remain inhabitable. For the redactor of our text all else—lending on interest, written con-

tracts of debt—follows directly from this concern and forms an integral and necessary part of the monastic communities' response to it. Our text, however, is not the only text in the *Mūlasarvāstivāda-vinaya* where such concerns are voiced. Nor are they only about maintenance—they are, as well, inextricably about merit. A glance at two related texts from the *Śayanāsanavastu* must here suffice: they are in fact sufficient to establish something of the range of ideas connected with our *Vibhaṅga* text.

The first passage we might look at forms a part of a larger discussion about various rights and obligations in regard to *vihāras*. It starts rather abruptly with what appears to be a reference to what the Buddha had [545] already said on some other occasion; and the passage is more narrative than formally promulgatory:

> It had been said by the Blessed One: "The reward should be assigned in the name of the dead donors" (*abhyatītakālagatānāṃ dānapatīnāṃ nāmnā dakṣiṇā ādeṣṭavyā iti*).
>
> The Elder of the Community recited the verse for the sake of deceased donors.
>
> And a certain householder had come to a *vihāra*. He heard the assigning of the reward. He approached the Elder and said: "Noble One, if I have a *vihāra* built, will you assign a reward in my name also?"
>
> The Elder said: "Have one built! I will duly make the assignment."
>
> When that householder had had a *vihāra* built, he had not given anything to it. It remained thus empty. When that householder saw that, he went to the first *vihāra* and said to the Elder: "Noble One, my *vihāra* remains empty. Not a single monk lives there."
>
> The Elder of the Community said: "Sir, it should be made productive (*utsvedya*, *snum pas so*)."
>
> The householder said: "But, Noble One, it has been built on sterile saline soil (*ūṣare jaṃgale kāritaḥ*). How is it to be made productive?"
>
> "Householder, I did not mean it in that sense (*nāham etat saṃdhāya kathayāmi*), but rather that there is no acquisition (*lābha*) there."
>
> The householder said: "Noble One, whoever now lives in my *vihāra*, to him I present cloth (*paṭenācchādayāmi*)."[66]

This is an interesting fragment for a number of reasons—it uses, for example, a term to describe the "dead" donors, *abhyatītakālagata*, which also occurs in inscriptions.[67] But for our immediate purposes it is important above all for what it can contribute to our understanding of how monks understood, or expressed, the concerns of lay donors.

The text is—as is the Sanskrit *Mūlasarvāstivāda-vinaya* as a whole—clipped and elliptical. It is, as already noted, a narrative text, not a promulgatory one. What it assumes is as revealing as what it says. It starts by explicitly stating that the Bud-

dha had ruled that "the reward should be assigned in the name of the dead donors" of a *vihāra*. This clearly is obligatory for the monastic community. The narrative then seems to suggest that the redactor of the text assumed that this obligatory activity was a "public" ritual that took place on a recurring basis—it is otherwise hard to account for the narrative facts that it was "heard" by a householder on a random visit. The redactor also indicates that this recurring public ritual was performed by the Elder of the Community (*saṃghasthavira*) and involved the recitation of verses.

We have a fairly good idea of what—narratively—"assigning the reward" was: it was a ritualized recitation of a verse or verses that formally designated the beneficiaries of the merit produced from a specific donation or gift. Such designation could be made to both the dead—as in our passage from the *Śayanāsanavastu*—or the living. In the *Bhaiṣajyavastu*, for example, at the end of a meal given by brahmins and householders, the Buddha himself "assigns the reward" to their deceased kin who had become "hungry ghosts" (*preta*).

> Then the Blessed One, with a voice having five qualities, commenced to assign the reward to the name of those hungry ghosts (*teṣāṃ nāmnā dakṣiṇām ādeṣṭum pravṛttaḥ*):
>
> > "The merit from this gift, may that go to the hungry ghosts! (*ito dānād dhi yat puṇyaṃ tat pretān upagacchatu*)
> > May they quickly rise from the dreadful world of hungry ghosts!"[68]

In the *Saṅghabhedavastu*, on the other hand, we find at the end of the account of the gift of the Nyagrodha Park:

> Śuddhodana took up a golden waterpot and presented the Nyagrodha Park to the Blessed One, and the Blessed One, with a voice having five qualities, assigned the reward (*bhagavatā . . . dakṣiṇā ādiṣṭā*):
>
> > "The merit from this gift (*ito dānād dhi yat puṇyam*), may that go to the Śākyas! May they always attain the station (*pada*) desired or wished!"[69]
> > [546]

Whereas, in the first case, the assignment is explicitly to deceased kin, in the second it is to all members of the lineage, and this could have included both living and dead. In any case, it is virtually certain that a reader of the *Mūlasarvāstivāda-vinaya* would have seen in the *Śayanāsanavastu* a reference to a performance very much of this sort.

It was a ritual performance for the sake of dead donors that the *Śayanāsana* passage narratively isolates as the motive behind its householder's construction of a *vihāra*—this is what he hopes to gain: a, presumably, recurring or ongoing as-

signment of merit in his name after his death. But the point of the text is, of course, that the construction of a *vihāra* is not in itself sufficient to achieve this. To achieve the intended goal requires in addition that the *vihāra* be in use and inhabited, and continue to be so. It requires, in short, the presence of an Elder who will continue to perform the assignment. This, in turn, requires further donation. The requirements, however, do not fall only on the donor. Whereas he must further endow the monastery, the monks are obligated to perform the assignment. The monks, as well, have a further obligation, which is only implied here but explicitly stated in another passage in the same *vastu*.

The second passage makes it clear that if donors have obligations, so too do the monks:

> The devout had had many *vihāras* built, but few monks entered into the retreat in Śrāvastī. Those *vihāras* stood empty. For the donors there was no merit resulting from use (*dānapatīnāṃ paribhogānvayaṃ puṇyaṃ na bhavati*, . . . *longs spyod las byung ba'i bsod nams med cing*). And ne'er-do-wells began to inhabit them.
>
> The Blessed One said: "All *vihāras* must be assigned two, three, or four to each one individually, depending on how many there are. All must be used (*sarve paribhoktavyāḥ*)."[70]

Here the rule is presented as firm: no presumably inhabitable *vihāra* is to be allowed to stand empty. All must be used. In fact, the text here, in regard to *vihāras*, refers to a specific category of merit: "merit resulting from use." Given that a *vihāra* must be *used* to generate such merit, it would seem to follow that continuous use would generate continuous merit.

There are, in both these passages from the *Śayanāsanavastu*, in the web of mutual obligations they seem to envision between monastery and donor, some striking parallels with what is known about the relationships between donor and monastery in medieval Europe. But these cannot here be pursued.[71] What we can do here is to note that the concern of the lay donors in our *Vinayavibhaṅga* passage—the concern that gives rise to the use of endowments, lending on interest, and written contracts of debt—is, when seen in the light of the *Śayanāsana* passages, almost certainly not about maintenance only. It is as much about merit. Our endowments, and the legal instruments required to make them work, begin, in fact, to appear as devices intended to ensure not just the perpetual inhabitability of the *vihāra* but also an equally perpetual, a permanent, source of ongoing merit for its donor that would continue long after he or she were dead. Maintenance and merit are in fact closely and causally linked: without maintenance, there will not be continuing use; without continuing use, there will not be for the donor the "merit resulting from use." Without provisions for the maintenance of the *vihāra* and its

residents, there will be no officiating Elder, without an officiating Elder, the assignment of merit to the donor will not continue after his death. Both our *Vibhaṅga* text and the first passage from the *Śayanāsana* explicitly identify the interests or anxieties of lay donors concerning what will occur after they are dead as the religious problem that endowments and "acquisitions" are meant to solve. Endowments were obviously seen by the monks—perhaps also by lay donors—as a *permanent* solution to the problem. They are, after [547] all, called "perpetuities" or "permanent endowments." They were intended to ensure not long-term but perpetual benefits to lay donors by ensuring a permanent source of merit.

There is, of course, at least some appreciable irony in a monastic community whose official doctrine declared that "all things are *impermanent*" devising or adopting legal and economic instruments explicitly intended to ensure *permanent* benefits to lay donors. But endowments and lending on interest were not—at least as far as they are presented in the *vinaya*—intended only to meet the religious needs of the more prominent supporters of the monastic community. They were intended as well to meet certain institutional needs, institutional needs that, indeed, might be approximately dated.

It is, I think, fairly obvious that for our *Vibhaṅga* text, and for the *Śayanāsana* passages, getting *vihāras* built or funding their initial construction was not the problem. The existence of permanent, durable *vihāras* is taken very much for granted. Our texts too take it for granted that these durable *vihāras* were already both architecturally and institutionally well organized. They assume that such *vihāras* were already considerably beyond mere shelters and were already, for example, multistoried, were already provided with separate "depositories" (*koṣṭhikā*). They take for granted that Buddhist monasteries were, significantly, already sufficiently well organized to administer the kinds of endowments they are recommending. They already know a Community with a recognized administrative and ritual division of labor. They know both the office of Elder and of Provost. They presuppose an established ritual of "assigning the reward" to dead donors, performed by the Elder. They presuppose that both Elder and Provost were already legally recognized representatives who could enter into binding contracts on behalf of the Community. In short, our texts—like all of the *vinayas* as we know them—presuppose a stage of development of the *vihāra* as both an architectural form and an institution that should be at least partially visible in the archaeological record. But here we butt directly up against an increasingly awkward problem: the stage of architectural and institutional development of the Buddhist monastery reflected in the *vinayas* as we have them can be detected in the archaeological record only at a period that is far later than that to which the composition of the *vinayas* is assigned by most scholars. This is a large problem and—as already noted—an awkward one: it seems to present us with enormous collections

of rules that were composed to govern conditions that did not exist. Here of course we can only offer a sketch of the conflicting data.

Étienne Lamotte—without necessarily wanting to follow out the implications of what he said—noted some years ago:

> If remarkable similarities can be discerned in the outlines of the latter [i.e., the various *vinayas*]—and we are thinking particularly of the Pāli, Mahīśā[sa]ka and Dharmagupta *Vinayas*—this fact can be explained by a parallel development. The Buddhist communities did not live in complete isolation but were interested in the work carried out by their neighbors. It is therefore not surprising that they worked with the same methods and followed practically the same plan. If nothing is more like one Buddhist *vihāra* than another Buddhist *vihāra*, it is normal that the various known *vinayas* should reveal the close link which connected them.[72]

Lamotte's last sentence would seem to suggest that the various *vinayas* are alike because they all reflect the existence of a uniform, standardized, and well-organized *vihāra*. In fact, all our *vinayas*, as we have them, appear to presuppose such a uniform and developed monastery: they speak, for example, about doors and keys[73] and elaborate divisions of labor,[74] about bathrooms[75] and slaves or permanent labor forces,[76] about the acquisition [548] of land, ownership rights, sharecropping,[77] social obligations[78] and the problems of inheritance.[79] These are the concerns of a landed institution with durable goods and well-organized durable domiciles—the kind of institution for which maintenance could have been an important concern, and which could have administered permanent monetary endowments. But there is virtually no evidence in the archaeological record for this kind of monastic institution until late, and it is beginning to appear that both the degree and the rate of growth of Indian Buddhist monasticism have been grossly exaggerated. The history of the physical monastery, at least, points very much in this direction.

We know, for example, in at least some important areas, when the standard *vihāra* started to emerge—and it is not much before the beginning of the Common Era. Sir John Marshall, among others, has noted that "even on such important sites as Sārnāth, Bodhgayā, Rājagṛha, and Kasia, which were some of the earliest to be occupied by the Buddhists, no remains of any of these structures [i.e., those mentioned in the *vinaya*] have been found which can be referred to pre-Mauryan times."[80] He was, however, so sure that such structures simply *must* have existed that he then went to some trouble to account for their absence, and his account will have a familiar ring to those who while away their time reading Indian art history: it is the old perishable-materials argument. This argument says that no trace of such structures survive because they were made of perishable materials, and although essentially the same argument has been used in regard to Buddhist

such vihāras by definition could not have been durable or in any significant sense permanent. They would suggest a poor and probably little organized—both socially and economically—community, a community that had little access to, or ability to exploit, any economic surplus. This seems especially so in light of the traces of substantial works in such perishable materials, which have some chance of being Mauryan—the cyclopean city-wall of Rājagṛha and the curious elliptical structures there; the "stupendous timber palisade" at Pāṭaliputra and the massive teak wood platforms there; or the hypostyle hall found at Kumhrar—but none of these are Buddhist, and all appear to have been produced by ruling powers.[85] In other words, enduring monumental architecture in perishable materials was available, but apparently out of reach of Buddhist monastic communities.[86]

Though, again, the evidence is far from full, there are other data pointing to the lack of early permanent Buddhist dwellings. The evidence, for example, in the main body of Aśoka's inscriptions for *vihāras* is thin. In the controversial eighth Rock Edict, Aśoka uses the term *vihāra* only in a decidedly curious way—if the term had then any Buddhist sense. He there contrasts his "tours for *dharma*," *dhamma-yātta*, with the activity of earlier kings, which he calls "tours for pleasure," *vihāra-yātta*, where *vihāra* is used in the sense of "diversion, enjoyment," and the like.[87] In his so-called Schism Edict, he does not again refer to *vihāras* when he talks about the expulsion of troublesome monks but does refer to *anāvāsa* and by implication to *āvāsa*. Although much discussed, the facts remain that *āvāsa* literally means only an "inhabited" or "inhabitable" place, that Aśoka himself does not use the term *vihāra*, and that *āvāsa* does not certainly refer to an architectural form.[88] Equally curious and still difficult to understand are Aśoka's directions as to what should be done with this edict. Aśoka says, in Hultzsch's translation:

> Thus this edict must be submitted [*viṃnapayitaviye*—Bloch, probably more correctly: "Il faut faire [550] connaître . . . à"] both to the Saṃgha of monks and to the Saṃgha of nuns.
>
> Thus speaks Devānāṁpriya:
>
> Let one copy of the (edict) remain with you [i.e., the administrative officials—mahamāta-?] deposited in (your) office [*saṃsalana*]; and deposit ye another copy of the very (edict) with the lay worshippers.[89]

Here again, where one might expect a reference to monasteries, there is none. There is no indication that a "copy" of this edict was deposited in the "office" of the group it most concerned—no indication that there was such an "office" where they were located. Likewise, in the even more difficult Rummindeī Pillar Inscription, Aśoka seems to imply—especially as Hultzsch understands the text—that he was the first to mark the spot of Buddha's birth: "(He) . . . caused a stone

pillar to be set up, (in order to show) that the Blessed One was born here." But contrary to what we might have expected, if there had been a permanent community at the site, he then extends his largesse not to a monastery there but to the village of Lummini itself: "(He) made the village of Lummini free of taxes, and paying (only) an eighth share (of the produce)."[90]

The only possible reference in the Aśokan material to a *vihāra* is problematic. It may occur in the "cover letter" attached to the recently discovered version of Minor Rock Edict I found at Pāṅgurāriā in Madhya Pradesh. Sircar translates the lines in question: "The king named Priyadarśin [speaks] to Kumāra Śaṃva from [his] march [of pilgrimage] to the U(O?)punitha-vihāra in Māṇema-desa (... *māṇema-des[e] [u]punitha-vihāra-[ya]tāy[e]*)."[91] As the bristle of brackets shows, the readings are uncertain; the published facsimiles are extremely difficult to read; this statement has no parallels in the fifteen or so other versions of this edict—it is, in short, profoundly problematic. But whether or not the term *vihāra* occurs in the inscription, or whether the possible *vihāra* mentioned can be identified with the site at which the record was recovered, that site itself is of interest. It represents, at least a part of it, the remains of another Mauryan monastic site, and although it has so far been only partially published, it appears to have been a poor and unimpressive complex; many of the small *stūpas*, revetments, enclosing walls, and small monastic cells appear to have been crudely made of "rubble." These contrast with the main *stūpa* and its *chatra*, which, however, are clearly later—the nun donors of the latter may be linked with Sāñcī. What has been taken to be the main monastic complex—on the walls of which the Aśokan record occurs—as well as most of the residential cells, are little more than natural caves or rock shelters with slight improvements. To judge by the primitive rock art in some of them, these were probably old, abandoned cave-dwellings.[92] This—rather than a romantic vision of Nālandā—appears to be what a Buddhist "monastery" looked like "as late as" the time of Aśoka.

Even considerably after Aśoka, however, there are no references to *vihāras*. In none of the hundreds of donative records from Bhārhut, Sāñcī, and Pauni does the term occur. The scores of monk and nun donors at these sites identify themselves never as from or residents of any *vihāra* but rather—*exactly like lay donors*—by their natal or residential villages.[93] Even more curious, the only expression even vaguely like *vihāra* that occurs at early Sāñcī is not even a Buddhist word but rather a common *upaniṣadic* term.

On several of the gateways of the rail surrounding the main *stūpa* at Sāñcī, variant versions of the following imprecation occur:

> He shall have the fate of the perpetrators of five sins (*paṃc-ānaṃtarya*), who dismantles, or causes to be [551] dismantled, the stone work from this

> Kākaṇāva [i.e., the old name for Sāñcī], or causes it to be transferred to another church.[94]

The phrase here translated by Majumdar "to another church" is *anaṃ . . . ācariya-kulaṃ*. The use of "another" clearly implies that Kākaṇāva or Sāñcī—the whole complex—was thought of as belonging to the same category. It was not called a monastery or *vihāra*, then, but a "church" or, more accurately, "a house of the teacher." But although it occurs at least five hundred years later in a sectional colophon to the *Mahāvaṃsa*, the term *ācārya-kula* has a much closer and more significant context. It is in fact an established usage in the Upaniṣads. *Chāndogya* 2.23.1 says, for example:

> There are three branches of duty. Sacrifice, study of the Vedas, alms-giving—that is the first. Austerity, indeed, is the second. A student of sacred knowledge dwelling in the house of a teacher, settling himself permanently in the house of a teacher, is the third (*brahmacāryācārya-kula-vāsī tṛtīyo 'tyantam ātmānam ācārya-kule 'vasādayan*).[95]

All of this would seem to suggest the need for a considerable review of our notions of the degree of development of pre-Kuṣān Buddhist monasticism. But that, I submit, is exactly what we might have expected to emerge when Buddhist institutional history was treated with the same methods and criteria of evidence that pertain to every other kind of history, and when all types of sources were taken into account, without privileging the literary or canonical. Happily, however, such a review is not here our responsibility. Here we had only to make a case—however sketchy—for the unlikelihood that monastic communities like those at early Taxila or Bhājā or Junnar or Pāṇgurāriā could have compiled the monastic codes that we have, or could have even conceived of permanent endowments for purposes of maintenance, let alone written contracts of debt. It seems to me unlikely that monastic communities housed in poorly made and disorganized, impermanent structures or in open, crudely cut caves or abandoned rock-shelters could have had either the need or the means to redact elaborate codes containing rules against, for example, monks "building a fire to smoke out those who take too long in the latrine,"[96] or stipulating, for another example, that "when seeds belonging to an individual are sown on ground belonging to an Order, having given back a portion, (the rest) may be made use of" by the monks.[97]

But if, then, the *early* Buddhist monastic communities that are visible in the archaeological record appear to have been utterly incapable of compiling our *vinayas*, and completely unsuited to administering elaborate endowments, the question still remains as to when they did achieve a level of material and institutional develop-

ment that would have allowed both—when, in fact, did it become true that "nothing is more like one Buddhist *vihāra* than another Buddhist *vihāra*"? A reasonably clear and closely approximate answer to this question has, oddly enough, been available for some time.

Marshall, again, noted some time ago that the *vihāra* that Lamotte seems to have had in mind, the ordered "quadrangular, high-walled monastery or *vihāra* . . . seems to have made its first appearance in the *saṅghārāmas* of the northwest during the first century A.D., and thence to have found its way southward and eastward to the rest of India." Marshall also said: "Before the close of the first century the old type of *saṅghārāma*, with its haphazard methods of planning and its lack of security and privacy for its inmates had disappeared. . . . [T]he living quarters of the monks . . . are now securely enclosed in a walled-in quadrangle."[98] The standardized, ordered *vihāra*, then, began to appear almost everywhere in the archaeological record just before and just after the beginning of the Common Era. It was then, too, that Buddhist monastic communities appear to have had access to the economic resources that would have allowed them for the first time to build on a wide scale in durable materials like stone and baked brick.

Marshall explained the observable change in type and construction of the *vihāra* by saying, in part, that [552] the wide acceptance of the standard form "was probably due in large measure to the changing character of the [Buddhist] church, which was everywhere tending to substitute regular, settled monasticism for the wandering life, and to relax its rules pertaining to strict asceticism and the possession of property."[99] The precise wording here might need some readjustment, but not, probably, the basic point. What, however, Marshall did not say needs to be stated: the development of the standard *vihāra*, the emergence of this form, is clearly visible in the archaeological record beginning around the Common Era, *but* that form—and all that it implies—is the type of *vihāra* that our *vinayas*, as we have them, are intended to govern. Unless one wants to assume that rules are written to govern behavior that does not occur, or that elaborate procedures are developed to meet needs that do not exist, then one is forced to conclude that our *vinayas* could not have been compiled in the form that we know them until after the beginning of the Common Era. It is, for example, hardly likely that a monastic code like the Pāli *Vinaya*, which contains rules in regard to planting seeds in land owned by the Community, could have been compiled before the Community owned land, and the first actual evidence for this too comes from the first century C.E.[100] It is, again, hardly likely that the rules in the Pāli *Vinaya* that have the Buddha say, "Monks, I allow them [i.e., *vihāras*] to be enclosed in three kinds of walls (*pākāra*): walls of burnt brick (*iṭṭhaka-pākāra*), walls of stone (*sila*-), walls of wood (*dāhu*-),"[101] could have been redacted before such walls were known, and they were not, until the beginning of the Common Era.

Considerations of this sort, and determining the period at which durable ordered *vihāras* were first built, allow us more specifically to determine the period before which it is unlikely that our *Vibhaṅga* text on perpetuities could have been written. Though ironic, it is almost certainly true that only the emergence of durable architecture could have created the idea and need of perpetual maintenance. Buildings in flimsy or perishable materials would have had a life expectancy considerably short of perpetual and could hardly have given rise to the notion or felt need for perpetual endowments to maintain them. Such endowments presuppose a justifiable expectation that what they were intended to support would endure. Moreover, as has already been noted, such endowments also presuppose an equally permanent and ordered institutional structure that could administer them. Our text, then, was almost certainly not written until both things were in place, and the archaeological record would seem to suggest that this could not have been the case much before the beginning of the Common Era. But if it is unlikely that our *Vibhaṅga* text could have been written much before the Common Era, it is also unlikely that it was written much after the second century, when we know that such perpetual endowments were already in use. Their effective use would seem to require rules governing both them and written or legal contracts of the sort found so far in the *Vinaya* only in our text.

A date in the first or second century of the Common Era for our *Vibhaṅga* text would seem to fit well with, and perhaps confirm—or be confirmed by—what has been said about written contracts in Hindu *dharmaśāstra*. *Manu*, for example, is generally assigned a date "between 200 B.C. and A.D. 100,"[102] and although it knows of written contracts and deeds (VIII. 168, 255), they receive little attention. *Yājñavalkya*, on the other hand, which is assigned to the first or second century, "gives preference to documentary evidence" and—as we have seen—"gives very detailed rules about the drawing up of legal documents."[103] Though it would be easy here to overextend what little evidence there is, it does seem that *Yājñavalkya* has a more developed—certainly a more detailed—treatment of written contracts,[104] and it is at least possible to suggest that our *Vibhaṅga* text falls somewhere between *Manu* and *Yājñavalkya*, but how close to the latter is not clear. *Yājñavalkya* may also be the first *dharmaśāstra* to refer explicitly to Buddhist monks.[105] [553]

One sometimes has the impression in reading works on *dharmaśāstra* that it is assumed that developments occurred within a closed system of *ideas*, or between *texts*, without reference to what occurred or was occurring *in the world*. The change from *Manu* to *Yājñavalkya* in regard to written contracts, for example, is often presented as if it were only a further refinement or sophistication in legal technique or theory that had no connection with changes in the social or economic world

Notes

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1. For two important positions on monks and monasticism in Western scholarship, see L. W. Barnard, "Two Eighteenth Century Views of Monasticism: Joseph Bingham and Edward Gibbon," in *Monastic Studies: The Continuity of Tradition*, ed. J. Loades (Bangor, Wales: 1990) 283–291. Gibbon's overwhelmingly negative view has been, of course, by far the most influential. However, as a first-rate example of what more recent scholarship has been able to do on the question of monks and money, see L. K. Little, *Religious Poverty and the Profit Economy in Medieval Europe* (Ithaca, N.Y.: 1978). There has been, as well, a promising start made toward determining indigenous South Asian attitudes toward monastic wealth (see S. Kemper, "Wealth and Reformation in Sinhalese Buddhist Monasticism," in *Ethics, Wealth, and Salvation: A Study in Buddhist Social Ethics*, ed. R. F. Sizemore and D. K. Swearer [Columbia, S.C.: 1990] 152–169) and toward acknowledging the significance of economic concerns in religious developments in South Asia: see H. von Stietencron, "Orthodox Attitudes towards Temple Service and Image Worship in Ancient India," *CAJ* 21 (1971) 126–138, and G. W. Spencer, "Temple Money-lending and Livestock Redistribution in Early Tanjore," *The Indian Economic and Social History Review* 5.3 (1968) 277–293, for two interesting examples.

2. P. Levi, *The Frontiers of Paradise: A Study of Monks and Monasteries* (London: 1987) 29ff. For a more scholarly study of the theme, see M. Aston, "English Ruins and English History: The Dissolution and the Sense of the Past," *Journal of the Warburg and Courtauld Institutes* 36 (1973) 231–255.

3. *Cīvaravastu*, GMs, iii 2, 119.13.

4. J. Gernet, *Les aspects économiques du bouddhisme dans la société chinoise du v^e au x^e siècle* (Paris: 1956) 82. [The English translation here is taken from J. Gernet, *Buddhism in Chinese Society. An Economic History from the Fifth to the Tenth Centuries*, trans. F. Verellen (New York: 1995) 85. I have, however, not always followed the latter.]

5. Gernet, *Les aspects économiques du bouddhisme*, 83, 84 [Verellen, 87].

6. L.-S. Yang, "Buddhist Monasteries and Four Money-Raising Institutions in Chinese History," *HJAS* 13 (1950) 174–191, esp. 182. The text in question is Taishō 1452, the reconstructed title of which is given in P. Demiéville, H. Durt, and A. Seidel, *Répertoire du canon bouddhique sino-japonais*, 2d ed. (Paris and Tokyo: 1978) as "*[Mūlasarvāstivāda]nidānamātṛkā?*"; see below, p. 66 and n. 60. Yang's paper is reprinted in L.-S. Yang, *Studies in Chinese Institutional History* (Cambridge, Mass.: 1961) 198–215.

7. D. D. Kosambi, "Dhenukākaṭa," *JASBom* 30.2 (1955) 50–71, esp. 52–53.

8. A. Bareau, "Indian and Ancient Chinese Buddhism: Institutions Analogous to the Jisa," *Comparative Studies in Society and History* 3 (1961) 443–451.

9. For some idea of sinological work on the economic and institutional aspects of Buddhism, see the equally rich book of Stanley Weinstein, *Buddhism under the T'ang* (Cambridge, U.K.: 1987), and the sources cited there.

10. Kosambi, "Dhenukākaṭa," 53.

11. Gernet, *Les aspects économiques du bouddhisme*, 156 [Verellen, 160–161].

12. Most of the Sanskrit equivalents inserted into the translation will be discussed below.

13. *yangs pa can gyi li tstsha bī rnams kyi khang pa ji lta ba de bzhin du gtsug lag khang dag kyang drug rtseg dang bdun rtseg tu byed pas de dag mtho ches pas brtsigs shing brtsigs shing rdib nas*. . . . I am not quite sure how to take the reduplicative construction *brtsigs shing brtsigs shing*. I cite the Tibetan here and in nn. 14 and 15, where I am not sure of my translation.

14. *'phags pa dag de lta na mi zad par mi 'gyur gyi 'di ltar zad par 'gyur te ci bdag cag gi sdum pa na gnas ma mchis snyam 'am*.

15. *de dag gis phyug po dag la byin nas / de dag la 'das pa na mthu dang ldan pa la rten cing mi ster ba dang / bla'i grva'i mthus mi ster nas*. . . .

16. *Śayanāsanavastu* (Gnoli) 11.2–.5 = Tog, 'dul ba Ga 260a.3.

17. *Poṣadhavastu*, GMs iii 4, 77.1.

18. *Śayanāsanavastu* (Gnoli) 11.2.

19. *Cīvaravastu*, GMs iii 2, 143.6.

20. Tog, 'dul ba Ga 149a.5.

21. GBMs vi, fol. 861.5.

22. S. Sankaranarayanan, "A Brahmi Inscription from Alluru," *Sri Venkatesuvara University Oriental Journal* 20.1–2 (1977) 75–89; cf. D. C. Sircar, *Successors of the Satavahanas in Lower Deccan* (Calcutta: 1939) 228–230.

23. J. Burgess, *Report on the Elura Cave Temples and the Brahmanical and Jaina Caves in Western India* (London: 1883) 74–89, nos. 5, 15, 16, 17, 18, 21, 22, 26, 28.

24. S. Konow, "Mathura Brahmi Inscription of the Year 28," *EI* 21 (1931–1932) 55–61.

25. There are considerably more inscriptional references to *akṣaya-nīvīs* than are cited or signaled in J. D. M. Derrett, "The Development of the Concept of Property in India c. A.D. 800–1800," *Zeitschrift für vergleichende Rechtswissenschaft* 64 (1962) 46 n. 117, 68–72 [= Derrett, *Essays in Classical and Modern Hindu Law* (Leiden: 1977) ii, 39 n. 117, 61–65], or Derrett, "Nīvī," *Vishveshvaranand Indological Journal* 12.1–2 (1974) 89–95. In the first of these papers especially, Derrett might leave the impression that inscriptional references to *akṣaya-nīvīs* are largely Gupta and later, but this, of course, is definitely not the case. To the secondary sources he gives, at least the following should be added: R. G. Basak, "The Words *nīvī* and *vinīta* Used in Indian Epigraphs," *IA* 48 (1919) 13–15: M. Njammasch, "Akhaya-nivi-Schenkungen an Klöster und Tempel im Dekhan unter den Sātavāhanas," *Acta Orientalia (Hungaricae)* 24.2 (1971) 203–215.

26. The translation that follows is made from the edition of the inscription in J. F. Fleet, *Inscriptions of the Early Gupta Kings and Their Successors* (*CII*. III) (Calcutta: 1888) 260–262, no. 62.

27. The term *ratnagṛha*—the referent of which is not entirely clear—also occurs in another fifth-century inscription from Sāñcī (Fleet, *Inscriptions of the Early Gupta Kings*, 29–34, no. 5) and in what may be a considerably earlier inscription from Mathurā (H. Lüders, *Bharhut Inscriptions* [*CII*. II, II], rev. E. Waldschmidt and M. A. Mehendale [Ootacamund: 1963] 12–14).

28. It is likely that the reference here is to a spot or seat that local tradition said had been used by a series of former Buddhas and by Śākyamuni as well. References to such spots are frequent in the Chinese pilgrims' accounts of early medieval India, but rare in inscriptions. Presumably there was on a spot of this sort at Sāñcī what we call an "image," but what the inscription itself calls "the Buddha." On the concept lying behind such language, see G. Schopen, "The Buddha as an Owner of Property and Permanent Resident in Medieval Indian Monasteries," *JIP* 18 (1990) 181–217 [= *BSBM* 258–289].

29. Derrett, "Nīvī," 89–90.

30. Ibid., 89–90, 95.

31. *Cīvaravastu*, GMs iii 2, 125.3.

32. J. Gonda, "Abbreviated and Inverted Nominal Compounds in Sanskrit," in *Pratidānam: Indian, Iranian and Indo-European Studies Presented to Franciscus Bernardus Jacobus Kuiper on His Sixtieth Birthday*, ed. J. C. Heesterman et al. (The Hague: 1968) 221–246.

33. Gonda, "Abbreviated and Inverted Nominal Compounds in Sanskrit," 223–224.

34. Although it seems to have no connection with endowments, it is worth noting that the term *akṣayya* does occur in *dharmaśāstra* in connection with interest, as at *Nārada* 1.94, but as Lariviere notes, even this is not common (R. W. Lariviere, *The Nāradasmṛti* [Philadelphia: 1989] ii 60).

35. Chandra, *TSD*, 1752.

36. Guṇaprabha and his *Vinayasūtra* will be treated below in some detail.

37. Gernet, *Les aspects économiques du bouddhisme*, 156 n. 2 [Verellen, 357 n. 26].

38. See, however, R. S. Sharma, "Usury in Early Mediaeval India (A.D. 400–1200)," *Comparative Studies in Society and History* 8 (1965–1966) 56ff, esp. 58, who understands the passage differently: "the *brāhmaṇa* or the *kṣatriya* should not take interest even in times of distress, but should pay interest to people of mean avocations (*pāpīyase*) out of legal necessity."

39. *Arthaśāstra* 2.6.13, 15.

40. F. W. Thomas, *Tibetan Literary Texts and Documents concerning Chinese Turkestan*, Pt. 3 (London: 1955) 136, 134, and the references cited there.

41. H. Chatterjee, *The Law of Debt in Ancient India* (Calcutta: 1971) 211ff.; see also L. Sternbach, *Juridical Studies in Ancient Indian Law* (Delhi: 1965) i 109ff.

42. Chatterjee, *The Law of Debt*, 226.

43. Ibid., 48ff.

44. *Cīvaravastu*, GMs iii 2, 140.16, 140.20, 141.1 [= Tog, 'dul ba Ga 147b.6, 7], 148a.1–.2.

45. Much of the material for such a study has, however, already been gathered and is conveniently available in Joshi, *Dharmakośa*, i 1, 348–380. The following observations are based on it.

46. For a fuller citation of the passage, see below, p. 62.

47. Thomas, *Tibetan Literary Texts and Documents*, iii 143.

48. For a sampling of such seals and sealings, see B. Ch. Chhabra, "Intwa Clay Sealing," *EI* 28 (1949–1950) 174–175; V. A. Smith, "Vaiśālī: Seals of the Gupta Period," *JRAS* (1905) 152; J. Ph. Vogel, "Seals of the Buddhist Monasteries in Ancient India," *Journal of*

the Ceylon Branch of the Royal Asiatic Society, n.s., 1 (1950) 27–32; G. R. Sharma, "Excavations at Kauśāmbī, 1949–1955," *Annual Bibliography of Indian Archaeology* 16 (Leyden: 1958) xliv–xlv; D. Schlingloff, "Stamp Seal of a Buddhist Monastery," *The Journal of the Numismatic Society of India* 31 (1969) 69–70; H. Sastri, *Nalanda and Its Epigraphical Material* (Delhi: 1942) 36ff.; and D. C. Sircar, "Inscribed Clay Seal from Raktamrittika," *EI* 37 (1967) 25–28.

49. J. Ph. Vogel, "Some Seals from Kasia," *JRAS* (1907) 366.

50. In the case of Kasia there is, of course, other material that confirms the identity of the site—see F. E. Pargiter, "The Kasia Copper-plate," *ARASI 1910–11* (Calcutta: 1914) 73–77, esp. 77 n. 10. One further point in regard to at least some of these sealings can, I think, also be quickly clarified, and such a clarification will establish an even more specific linkage between what has been found at some Buddhist sites and the *Mūlasarvāstivāda-vinaya*. Vogel found at Kasia a number of sealings that he described as showing a "skeleton seated in meditation" or a "skeleton standing. On both sides a bird perched on a skull." Sastri, in later work at the site, also found such sealings. (See J. Ph. Vogel, "Excavations at Kasia," *ARASI 1905–06* [Calcutta: 1909] 85; Vogel, "Excavations at Kasia," *ARASI 1906–07* [Calcutta: 1909] 66; H. Sastri, "Excavations at Kasia," *ARASI 1910–11* [Calcutta: 1914] 72. In the second of the reports cited, Vogel surmised that "such figures possibly are meant to represent the corporeal relics of some Buddhist saint," p. 59, n. 1.) There is, however, a passage in the *Kṣudrakavastu* of the *Mūlasarvāstivāda-vinaya* that makes this unlikely. Vogel knew this passage but, presumably, only from the truncated summary in Csoma or Feer. In the latter it appears as "Un membre de l'ordre religieux doit avoir sur son sceau ou cachet un cercle avec deux daims se faisant vis-à-vis et au-dessous le nom du fondateur du Vihāra" (L. Feer, *Analyse du kandjour* [Lyon: 1881] 191). The Tibetan text itself says, however: *bcom ldan 'das kyis bka' stsal pa / rgya ni gnyis te / dge 'dun gyi dang / gang zag gi'o / de la dge 'dun gyi ni dbus su 'khor lo bris na / glo gnyis su ri dags / 'og tu gtsug lag khang gi bdag po'i ming bri bar bya'o / gang zag gi ni rus pa'i keng rus sam / mgo 'i thod pa bri bar bya'o* (Tog, 'dul ba Ta 11b.4): "The Blessed One said: 'There are two kinds of seals: (seals) of a Community, and (seals) of individual monks. In regard to them, that of a Community is to have a wheel engraved in the middle with a deer on both sides; below it the name of the Vihārasvāmin. That of an individual monk is to have a skeleton or a skull engraved on it.'" Vogel identified a considerable number of the seals he found at Kasia with the first type mentioned in this passage, but because he had access only to an incomplete summary of the passage, he was unable to recognize seals of the second type for what they were: those seals or sealings bearing skeletons or skulls almost certainly had nothing to do with "the corporeal relics of some Buddhist saint" but were rather simply seals of individual monks. It is worth noting too that the association between things connected with the individual and skeletons and skulls is also found elsewhere in this *Vinaya*. In a well-known passage that describes what paintings are allowed in a *vihāra*, the text says, in Lalou's translation, "dans les [individual] cellules, un squelette, des os et un crâne" are to be painted (M. Lalou, "Notes sur le décoration des monastères bouddhiques," *RAA* 5.3 [1930] 183–185). Certain individual cells at some Buddhist monastic sites have been identified as "meditation caves" because they have skeletons and skulls painted on their walls (cf. L. Feugere, "A Med-

itation Cave in Kyzil," in *SAA 1985*, ed. K. Frifelt and P. Sørensen (London: 1989) 380–386). Obviously, these *Vinaya* passages render such identifications doubtful.

51. Karunatilaka has noted what he calls an "obvious gap in the information found in the law-books": "The law-books of the early medieval times and the preceding period contain various laws pertaining to money-lending and interest payments between individuals but they pay little or no attention at all to similar transactions between individuals and institutions" (P. V. B. Karunatilaka, "Hindu Temples in Bihar and Orissa: Some Aspects of the Management of Their Monetary Endowments in Early Medieval Times," *The Sri Lanka Journal of Humanities* 13.1–2 [1987] 154).

52. Gernet, *Les aspects économiques du bouddhisme*, 156 n. 3 [Verellen, 161 and n. 27].

53. *Vibhaṅga*, Derge, 'dul ba Cha 149b.1 ff.

54. Sternbach, *Juridical Studies*, i 111ff.

55. For the sources on the life and date of Guṇaprabha, and for work on his *Vinayasūtra* and its auto-commentary, see G. Schopen, "Ritual Rights and Bones of Contention: More on Monastic Funerals and Relics in the *Mūlasarvāstivāda-vinaya*," *JIP* 22 (1994) 63–64 and nn. 63–64 [= Ch. X below]. When I wrote this essay, I was unaware that an edition of the whole of the Sanskrit text of the *Sūtra* had been published. P. V. Bapat and V. V. Gokhale had said in their introduction to their edition of the first chapter of both the *Vinayasūtra* and its auto-commentary that they had seen and used an edition of the *Sūtra* by R. Sāṅkṛityāyana. But they also said that it was only "provisionally printed . . . not formally published." I therefore assumed, wrongly, that it was never made available. Mr. Jonathan Silk—already known for his keen bibliographic nose—was kind enough not only to point out to me that it had indeed been published (as no. 74 of the Singhi Jain Śāstra Śikṣāpīṭha, Singhi Jain Series!) but also to send me a copy. I would like to thank him very much. Unfortunately, Bapat and Gokhale may have understated the case when they referred to this edition as "very unsatisfactory." It does, however, make it possible to improve on some points in my treatment of the Tibetan translation of the *Sūtra* in the present essay, but that will have to wait.

56. L. Schmithausen, *The Problem of the Sentience of Plants in Earliest Buddhism* (Tokyo: 1991) 74. The text occurs at Derge, 'dul ba Cha 279b.3–280b.7.

57. *Vinayasūtra* (Sankrityayana) 38.11ff; *'dul ba'i mdo*, Derge, bstan 'gyur, 'dul ba Wu 30a.4ff. Note in particular: *tridaṇḍakaṃ bhāṣaṇa-dakṣiṇadeśanāṃ kṛtvā*, translated—oddly enough—by *rgyun chags gsum pa gdon pa dang sbyin pa bshad pa byas nas*.

58. All the examples that follow are cited from the edition of the Sanskrit text of the first chapter of the *Sūtra* and its commentary found in P. V. Bapat and V. V. Gokhale, eds., *Vinaya-sūtra and Auto-commentary on the Same* (Patna: 1982); references are to the *Sūtra* numbers inserted into the text.

59. *Sū.* 506 is citing the text of the *Cīvaravastu* now found at GMs iii 2, 131.13–.15.

60. Demiéville, Durt, and Seidel, *Répertoire du canon bouddhique sino-japonais*, 123, 124, 125. See note * on p. 90.

61. *Vinayasūtra* (Sankrityayana) 33.12–.14; *'dul ba'i mdo*, Derge, bstan 'gyur, 'dul ba Wu 26.b5.

62. I am not at all sure what *gtsang khang byur bu* means. *gtsang khang* in *dri gtsang*

khang seems to translate *kuṭī*; and *byur bu* is usually said to mean "heaped, a heaped measure of corn or meal," or "full, brim-full."

63. Derge, bstan 'gyur, 'dul ba Zhu 165b.1–.4.

64. *Vinayasūtra* (Sankrityayana) 124.3.

65. See S. L. Huntington, *The "Pāla-Sena" Schools of Sculpture* (Leiden: 1984) 125–126, nn. 120–125, and the sources cited there.

66. *Śayanāsanavastu* (Gnoli) 37.6–.19 = Tog, 'dul ba Ga 286a.6–b.5.

67. Lüders, *Mathurā Inscriptions*, no. 44, and 81 n. 1.

68. *Bhaiṣajyavastu*, GMs iii 1, 220.20.

69. *Saṅghabhedavastu* (Gnoli) i 199.25. For additional references to *dakṣiṇām ādiś-* in the *Mūlasarvāstivāda-vinaya* and elsewhere, see G. Schopen, "On Avoiding Ghosts and Social Censure: Monastic Funerals in the *Mūlasarvāstivāda-vinaya*," *JIP* 20 (1992) 12, 30 n. 43 [= *BSBM* 229 n. 43]; Schopen, "The Ritual Obligations and Donor Roles of Monks in the Pāli *Vinaya*," *JPTS* 16 (1992) 101–102 [= *BSBM* 79–80] [see also now Ch. II above, n. 48].

70. *Śayanāsanavastu* (Gnoli) 35.1 = Tog, 'dul ba Ga 284b.4.

71. Here it will be sufficient to cite—as one of many possible examples—Lawrence's remarks given under the heading, "The Religious Motives for Endowment": "The merit that accrued to an individual [monk] through prayer and good works could be applied to other people, and not only to living people, but also to the dead. This concept played a crucial role in Medieval religious practice. To found and endow a community of monks was to ensure for the donor an unceasing fund of intercession and sacrifice which would avail him and his relatives both in life and after death" (C. H. Lawrence, *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages*, 2d ed. [London and New York: 1989] 69; see also the very rich study of M. McLaughlin, *Consorting with Saints: Prayer for the Dead in Early Medieval France* [Ithaca, N.Y.: 1994]. For what appears to be a much later (sixteenth-century?) Indian legal instrument intended in part to assure the postmortem well-being of an individual, see J. D. M. Derrett, "Kuttā: A Class of Land-Tenures in South India," *BSOAS* 21 (1958) 61–81 [= *Essays in Classical and Modern Hindu Law* (Leiden: 1976) i 280–302).

72. Ét. Lamotte, *History of Indian Buddhism: From the Origins to the Śaka Era*, trans. S. Webb-Boin (Louvain-la-neuve: 1988) 179.

73. It will perhaps be sufficient, even representative, to cite here examples from the Pāli *Vinaya*, which is still commonly held to be the "oldest" of the *vinayas*, and from the *Mūlasarvāstivāda-vinaya*, which is still commonly held to be the most recent (cf. O. v. Hinüber, "The Arising of an Offence, *āpattisamuṭṭhāna*: A Note on the Structure and History of the Theravāda-Vinaya," *JPTS* 16 [1992] 68 n. 13): Pāli *Vinaya* ii 148.7ff (on doors and the three kinds of keys); GMs iii 4, 80.15 (reference to hiding the key to the "hall for religious exertion").

74. See, for convenience, the Pāli material discussed in M. Njammasch, "Hierarchische Strukturen in den buddhistischen Klöstern Indiens in der ersten Hälfte des ersten Jahrtausends unserer Zeitrechnung: Untersuchungen zur Genesis des indischen Feudalismus," *Ethnographische-archäologische Zeitschrift* 11 (1970) 515–539, esp. 529ff.

75. Pāli *Vinaya* ii 119.19ff; GMs iii 4, 79.3.

76. Perhaps the most striking example here is the story of the monk Pilindavaccha, which occurs in two separate places in the Pāli *Vinaya* (i 206.34ff and iii 248.11ff). Bimbisāra gave five hundred monastery attendants (*ārāmika*) to the monk Pilindavaccha, and the text says: "A distinct village established itself. They called it 'The Village of the Monastery Attendants' and they also called it 'Pilinda Village'" (*pāṭiyekko gāmo nivisi. ārāmika-gāmako 'ti pi naṃ āhaṃsu pilindagāmako 'ti pi naṃ āhaṃsu*—the translation is from I. B. Horner, *The Book of the Discipline*, Vol. IV [London: 1951] 282). Note that Jaworski calls this story a "légende locale" and says it "n'a pas d'équivalent en chinois" (J. Jaworski, "Le section des remèdes dans le vinaya des mahīśāsaka et dans le vinaya pali," *Rocznik Orientalistyczny* 5 [1927] 100 n. 14). For the Mūlasarvāstivādin version of the story, see G. Schopen, "The Monastic Ownership of Servants or Slaves: Local and Legal Factors in the Redactional History of Two *Vinayas*," *JIABS* 17 (1994) [= Ch. VII below].

77. Pāli *Vinaya* i 250.14: "Now at that time seeds belonging to an Order were sown on ground belonging to an individual, and seeds belonging to an individual were sown on ground belonging to an Order. They told this matter to the Lord. He said: 'When, monks, seeds belonging to an Order are sown on ground belonging to an individual, having given back a portion, (the rest) may be made use of. When seeds belonging to an individual are sown on ground belonging to an Order, having given back a portion, (the rest) may be made use of'"—so Horner, *The Book of the Discipline*, iv, 347.

78. See Schopen, "The Ritual Obligations and Donor Roles of Monks," 87–107 [= *BSBM* Ch. IV].

79. The inheritance of lay estates: Pāli *Vinaya* ii 169.24; GMs iii 2, 139.6–143.14; the inheritance of a dead monk's property: Pāli *Vinaya* i 304ff; GMs iii 2, 113ff (cf. Schopen, "On Avoiding Ghosts and Social Censure," 3ff [= *BSBM* 206ff]).

80. J. Marshall et al., *The Monuments of Sāñchī* (Delhi: 1940) i 63; cf. J. Marshall, *Taxila: An Illustrated Account of Archaeological Excavations* (Cambridge, England: 1951) i 274, where he says, for example, "At the Dharmarājikā at Taxila . . . there is not a vestige of any residential quarters which can be assigned to a date much earlier than the beginning of the Christian Era."

81. Cf. G. Schopen, "On Monks, Nuns, and 'Vulgar' Practices: The Introduction of the Image Cult into Indian Buddhism," *ArA* 49.1–2 (1988–1989) 165–166 [= *BSBM* 250–251].

82. Marshall, *Taxila*, i 320.

83. See S. Nagaraju, *Buddhist Architecture of Western India (c. 250 B.C.–c. A.D. 300)* (Delhi: 1981) 113–130, and the ground plans given in figs. 23–25.

84. Ibid., 133–40, and plans in fig. 27. Nagaraju says, "Here are the earliest Buddhist excavations among the inland group of caves in Western Deccan."

85. For the sake of convenience, see B. Kumar, *The Archaeology of Pataliputra and Nalanda* (Delhi: 1987) 164ff, and the sources cited there.

86. Though it would lead too far afield to pursue it here, it is—I think—safe to say that a careful study of extant, as opposed to conjectured, early *stūpas* would arrive at the same point. Those *stūpas* that have some chance of being really early, and in regard to which

we have some actual knowledge, are all small, unimpressive affairs. This is the case with the *stūpas* at Bairat (R. B. D. R. Sahni, *Archaeological Remains and Excavations at Bairat* [Jaipur: 1937] 28ff; S. Piggott, "The Earliest Buddhist Shrines," *Antiquity* 17 [1943] 1–10), at Lauriya-Nandangarh (J. E. van Lohuizen-De Leeuw, "South-east Asian Architecture and the Stūpa of Nandangarh," *ArA* 19 [1956] 282ff and fig. 2), at Junnar-Tuljalena (Nagaraju, *Buddhist Architecture of Western India*, 133–134), etc.

87. E. Hultzsch, *Inscriptions of Asoka* (*CII. I*) (Oxford: 1925) 14, 36, 60, etc.; J. Bloch, *Les inscriptions d'asoka* (Paris: 1950) 111.

88. For a recent discussion, see K. R. Norman, "Aśoka's 'Schism' Edict," *Bukkyōgaku seminā* 46 (1987) 1–33, esp. 9–10, 25–26, and nn. 4, 19.

89. Hultzsch, *Inscriptions of Asoka*, 163; Bloch, *Les inscriptions d'asoka*, 152–153; cf. Norman, "Aśoka's 'Schism' Edict," 101–102.

90. Hultzsch, *Inscriptions of Asoka*, 164; Bloch, *Les inscriptions d'asoka*, 157.

91. D. C. Sircar, *Aśokan Studies* (Calcutta: 1979) 94–103, esp. 101–102; Sircar, "Panguaria Inscription of Asoka," *EI* 39 (1971, but 1981) 1–8.

92. For the site, see B. K. Thapar, ed., *Indian Archaeology 1975–76: A Review* (New Delhi: 1979) 28–30, and pls. xxxix–xli; H. Sarkar, "A Post-Asokan Inscription from Pangoraria in the Vindhyan Range," in *Sri Dinesacandrika: Studies in Indology. Shri D. C. Sircar Festschrift*, ed. B. N. Mukherjee et al. (Delhi: 1983) 403–405, and pls. 73–75. (This contains a note on the site by K. D. Banerjee and an edition of the later "chatra inscription"—the latter is also treated in S. S. Iyer, "Panguraria Brahmi Inscription," *EI* 40 (1973, but 1986) 119–120 and pl.).

93. See, for example, all the inscriptions listed under "Donations by Inhabitants of Certain Places" in Lüders, *Bharhut Inscriptions*, A5–54. Note what might be traces of the same sort of situation, of "monks" living in villages, in what are considered the oldest parts of the Pāli Canon; e.g., *Suttanipāta* 971: . . . *yatacāri gāme*, which K. R. Norman translates ". . . living in a restrained way in a village" (K. R. Norman, *The Rhinoceros Horn and Other Early Buddhist Poems* [London and Boston: 1985] 157).

94. Marshall et al., *The Monuments of Sāñchī*, i, no. 404; cf. 298.

95. S. Radhakrishnan, *The Principal Upaniṣads* (London: 1953) 374; R. E. Hume, *The Thirteen Principal Upanishads*, 2d rev. ed. (Oxford: 1931) 200–201.

96. See C. Hallisey, "Apropos the Pāli *Vinaya* as a Historical Document: A Reply to Gregory Schopen," *JPTS* 15 (1991) 207.

97. See n. 77 above.

98. Marshall, *Taxila*, i 233, 320. Cf. Marshall et al., *The Monuments of Sāñchī*, i 63–64: "As a fact, it was not until the Kushān period that the self-contained monastery, which we are wont particularly to associate with the Buddhist *saṅghārāma*, made its appearance in the Northwest of India, and not until the early Gupta Age that it found its way into Hindustān and Central India"—the last part of which is in need of revision.

99. Marshall, *Taxila*, i 324.

100. See the Alluru inscription cited above in n. 22 and the well-known Mathurā Lion Capital Inscription (*Kharoshthī Inscriptions*, 48–49) for two of the earliest inscriptional references to donation of land to Buddhist communities.

101. Pāli *Vinaya* ii 121.2.

102. J. D. M. Derrett, *Dharmaśāstra and Juridical Literature* (A History of Indian Literature, ed. J. Gonda, Part of Vol. IV) (Wiesbaden: 1973), 31.

103. R. Lingat, *The Classical Law of India*, trans. J. D. M. Derrett (Berkeley: 1973) 99–100.

104. There is at least one significant difference. *Yājñavalkya* (II.5.96–97) gives detailed procedures for recording partial repayments and for—when the debt is repaid—nullifying the written contract or writing a "receipt" (cf. Chatterjee, *The Law of Debt in Ancient India*, 345–348). But our *Vinaya* passage knows nothing of this.

105. But see J. Filliozat, "La valeur des connaissances gréco-romaines sur l'inde," *Journal des savants*, avril–juin (1981) 113 n. 32.

106. See, for example, J. A. Raftis, "Western Monasticism and Economic Organization," *Comparative Studies in Society and History* 3 (1961) 452–469; K. J. Conant, "Observations on the Practical Talents and Technology of the Medieval Benedictines," in *Cluniac Monasticism in the Central Middle Ages*, ed. N. Hunt (London: 1971) 77–84; etc.

107. See G. Schopen, "Burial 'Ad Sanctos' and the Physical Presence of the Buddha in Early Indian Buddhism: A Study in the Archaeology of Religions," *Religion* 17 (1987) 206–209 [= *BSBM* 128–131]; Schopen, "The Buddha as an Owner of Property and Permanent Resident," [= *BSBM* 271–274].

108. A large part of the problem has, of course, to do with what Lariviere has so gracefully called the "chronological house of cards" that has been built up for *dharmaśāstra* (Lariviere, *Nārada* ii, xix ff). Dates for *Yājñavalkya* in particular have varied widely—it has been assigned to the fourth or even sixth century C.E. (Lingat, *The Classical Law of India*, 99–100). Should such later dates turn out to be correct, then *Yājñavalkya* would be considerably later than our *Vinaya* text.

*[It is now much clearer what the *Mātṛkā* is, and the passage cited by Guṇaprabha has been identified in a section of what in the Tibetan tradition is called the *Uttaragrantha*. The section is there called the *Mātṛkā*. See above pp. 8–9, 17n. 14, and below pp. 125, 162n. 19, 270, 282n. 52.]

CHAPTER IV

Deaths, Funerals, and the Division of Property in a Monastic Code

READING BUDDHIST *vinaya* texts as we have them can be an unsettling experience. These texts are huge compilations of rules and regulations meant to govern the lives of Buddhist monks. Though they were written or compiled by monks for monks, the life of a monk they envision or take for granted has little in common with the image of the Buddhist monk that is commonly found in our textbooks, or even in many of our scholarly sources. That image—which has found its way even into modern European novels—presents the Buddhist monk as a lone ascetic who has renounced all social ties and property to wander or live in the forest, preoccupied with meditation and the heroic quest for *nirvāṇa* or enlightenment. But Buddhist monastic literature is more gritty; it presents and presupposes a different kind of monk. The monk it knows is caught in a web of social and ritual obligations, is fully and elaborately housed and permanently settled, preoccupied not with *nirvāṇa* but with bowls and robes, bathrooms and door bolts, and proper behavior in public. A French scholar, André Bareau, some years ago went so far as to say that the various monastic codes, or *vinayas*, "contain hardly a whisper about the numerous spiritual practices, meditations, contemplations, etc., which constituted the very essence of the Buddhist 'religion.'" This at least must give us pause for thought.

But even when elements of the image of the ascetic, meditating monk do appear in *vinaya* literature—and they do—they often appear in unexpected form. The various *vinayas* present the ascetic ideal, for example, in the instructions they say should be given to the candidate at his or her ordination. In the Pāli *Vinaya*, the candidate is to be told that entrance into the monastic order entails exclusive reliance on only four things, technically known as "requisites" or "means of sup-

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port": begged food or scraps; rag-robes, or robes of discarded cloth; the foot of trees as a place of residence; and urine as medicine. The candidate—the text says—is to be told this, and told that he should limit himself to these means of [474] support "for as long as he lives." But then he is immediately told, in the text as we have it, that, in addition to robes made from rags, he may also have robes made of "linen, cotton, silk, wool, and so on." In a Sarvāstivādin *Vinaya* text that describes the ordination procedure for nuns, the list of "extra allowances" is even longer and includes colored cloth, woven cloth, muslin, hemp, silk, wool, fine Banaras cloth, and linen. If this looks like a double message, another passage in the Pāli *Vinaya* puts this beyond doubt. Though the candidate for ordination is told in one place to limit himself to rag-robes, the same *Vinaya* unequivocally says in another place that wearing only rag-robes is an "offense of wrongdoing," or a violation of the *vinaya*. In a late "appendix" to the Pāli *Vinaya* called the *Parivāra*, it is even suggested that most monks who actually wear rag-robes do so "from stupidity" or "from madness, from a deranged mind," and are "of evil desires, filled with covetousness."

Other and even more extreme elements of the ascetic ideal also occur in the *vinayas*, but they too are treated in a curious way. The *Mūlasarvāstivāda-vinaya*, for example, knows and contains rules to regulate the behavior of monks who live in cemeteries or wear robes made from burial cloths. This text says, however:

> A monk who dwells in a cemetery, robing himself with burial cloth, must not enter a monastery. He must not worship a *stūpa*. If he should worship, he must not approach it any nearer than a fathom. He must not use a monastic cell. He must not even sit on monastic bedding. He must not sit among the community of monks. He must not teach Dharma to brahmans and householders who have come and assembled. He must not go to the houses of brahmans and householders, and so on.

If in the former instances the ascetic ideal is severely weakened or rendered purely symbolic by permitting "extra allowances" or calling into question the motives that lie behind it, in the case of ascetic practices connected with cemeteries—though nothing is directly said to discourage them—a set of rules is promulgated that excludes any monk who engages in such practices from any meaningful place in normal monastic life. Such a monk cannot enter or use monastic property; he is denied full access to the object of monastic worship; he cannot engage in monastic activities or interact with fellow monks; interaction with the laity—and therefore access to economic support—is also either denied him or seriously restricted. But notice too that the way in which these rules are framed inadvertently articulates the conception of normal monasticism presupposed by their authors: normal monks lived in monasteries and had free access to and use of monastic property

and objects of worship; they lived communally and could interact with the laity. The norm here, the ideal, is not of ascetic practice but of sedentary, socially engaged, permanently housed monasticism. This same norm is equally evident elsewhere as well.

Much has recently been written about modern Buddhist "forest monks," and the Pāli *Vinaya* also speaks of such monks. But in one of the passages in this [475] monastic code in which the lifestyle of such monks is most clearly described, there are, again, some surprises:

> At that time the Venerable Udāyin was living in the forest. The monastery of that Venerable was beautiful, something to see, and lovely. His private chamber was in the middle, surrounded on all sides by the main house, well appointed with couch and chair, cushion and pillow, well provided with drinking water and water for washing, the grounds well kept. Many people came to see the Venerable Udāyin's monastery. A brahman and his wife approached the Venerable Udāyin and said they would like to see his monastery.
>
> "Have a look," he said, and taking the key, unfastening the bolt, and opening the door, he entered . . .

Though this is in the forest, these are not the quarters that one might expect for a monk who relied on the four requisites: he had a private room, well-appointed furniture, and lock and key, and his monastery was something of a tourist attraction. And yet this, apparently, is how the compilers of the Pāli *Vinaya* saw the forest life. Their forest life was little different from their vision of monastic life in general: both, for them, were permanently housed and well appointed, well ordered, maintained, secured by lock and key, and the focal point of lay activities.

These passages from several different *vinayas*—and a large number of other passages—make it difficult to avoid the conclusion that if the ideal of the individual rag-wearing, begging, forest-dwelling monk was in fact ever the rule in the early history of Indian Buddhism, if the ideal was ever anything more than "emblematic," then it was, by the time the *vinayas* that we have were compiled, all but a dead letter. The *vinaya* texts that we know are little interested in any individual religious quest but are concerned with the organization, administration, maintenance, and smooth operation of a complex institution that owned property and had important social obligations.

The disinclination on the part of scholars to acknowledge fully the institutional preoccupations of the *vinaya*, and the complexity of the institutions these texts presuppose, has distorted the discussion of the *vinayas*' dates and disguised their historical importance. In fact, though often pressed into service to do so, our *vinaya* texts can probably tell us very little about what early monastic Buddhism

"originally" was. They can, however, almost certainly tell us a great deal about what it had—by a certain period—become. And that, for further historical developments, is far more interesting.

Many, if not most, scholars seem to want to place the canonical *vinayas* in a period close to—if not even during—the lifetime of the Buddha. But this would mean that Buddhist monasticism had little or no real history or development, since by this argument monasticism appeared fully formed at the very beginning. Such an argument requires, as well, the suppression of what little we actually know about the various *vinayas* and the history of Buddhist monasticism.

In most cases, we can place the *vinayas* we have securely in time: the *Sarvāstivāda-vinaya* that we know was translated into Chinese at the beginning of [476] the fifth century (404–405 C.E.). So were the *Vinayas* of the Dharmaguptakas (408), the Mahīśāsakas (423–424), and the Mahāsāṃghikas (416). The *Mūlasarvāstivāda-vinaya* was translated into both Chinese and Tibetan still later, and the actual contents of the Pāli *Vinaya* are only knowable from Buddhaghosa's fifth-century commentaries. Although we do not know anything definite about any hypothetical earlier versions of these *vinayas*, we do know that all of the *vinayas* as we have them fall squarely into what might unimaginatively be called the Middle Period of Indian Buddhism, the period between the beginning of the Common Era and the year 500 C.E. As we have them, then, they do not—and probably cannot—tell us what monastic Buddhism "originally" was, but they do provide an almost overwhelming amount of detail about what it had become by this time. To use these *vinayas* for what we know them to be—documents from the Middle Period—gives to them and to this period the historical importance that both deserve but that neither has yet received.

That the *vinayas* as we have them do indeed belong to and reflect the Middle Period is obvious from other evidence as well. All of our *vinayas* presuppose a standard, well-organized, walled monastery with latrines, refectories, cloisters, storerooms, dispensaries, doors, and keys; it had more or less extensive landholdings and a battery of monastic servants and laborers. But we know from archaeological sources that such an ordered and well-developed monastery did not exist before the beginning of the Common Era and appeared throughout India only in the Middle Period. Sources that know such monasteries, and are intended to regulate them, could therefore only date from the same period. We know, moreover, from inscriptional records that it was only in the Middle Period that Buddhist monastic groups started to receive large donations of land and, in fact, entire villages. But the Pāli *Vinaya*, for example, already describes one such village of five hundred "monastery attendants" that was given to a single monk.

To suggest that the Middle Period saw the compilation of huge monastic codes should not be surprising. This was, after all, the period during which equally enor-

mous doctrinal encyclopedias like the *Abhidharmakośa* were also compiled; this was the period during which the various named monastic orders—the Sarvāstivādins, Mahāsāṃghikas, Dharmaguptakas, and so on—appeared in Indian inscriptions as the recipients of what must have been an enormous amount of surplus wealth. And there are no such records either before or after this period. What might be more surprising is that the Middle Period apparently not only saw the full institutional, economic, and doctrinal development of the monastic orders, but also was the period during which the vast majority of the texts that we call "Mahāyāna *sūtras*" were being written. And these two developments are almost certainly related; it may well be that much of Māhāyana *sūtra* literature makes good sense only in light of what else was going on when it was composed. Such a possibility gives a new importance to the *vinayas* and demands a new reading of them, for it seems likely that one of the things that those groups that we call Mahāyāna were struggling with—and against—was what monastic Buddhism had become by the Middle Period. To determine what that was, the *vinayas* will be a major source. [477]

I might cite a single broad example. Unless we know what landed, institutional monastic Buddhism had become when Mahāyāna *sūtras* were being written, it is difficult to understand the attacks on "abuses" associated with sedentary monasticism found most stridently in Mahāyāna texts like the *Rāṣṭrapālaparipṛcchā*; it is also difficult to understand similar, if less shrill, criticisms in Mahāyāna texts like the *Kāśyapaparivarta*, or the constant calls in such texts to return to a life in the forest, or why long sections of the *Samādhirāja-sūtra* are given over to extolling ascetic practices, and why the necessity and value of these same practices are a topic of sharp debate in the *Aṣṭasahāsrikā-prajñāpāramitā*. Unless we have a clear picture of what the authors of these Mahāyāna texts were surrounded by and reacting to, we will have little chance of appreciating what they were producing. And an important source for that picture will be the *vinayas* that were being compiled at the same time. It is in this light, I would suggest, that the following selections should be read.

The following selections are of interest for at least two related reasons. They provide some interesting examples of the sorts of things that institutionalized monastic Buddhism was concerned with in the Middle Period: the proper performance of funeral rituals for deceased fellow monks; the inheritance of property; the performance of death rituals for fellow monks; and negotiating ritual privileges, control of sacred relics, and economic resources. There is perhaps some added interest from the fact that such monastic concerns have rarely been identified or studied. But these selections illustrate as well how far monastic Buddhism had moved away from what we consider "spiritual" concerns—how far, in other words, it had developed strictly as an institution and become preoccupied with institu-

tional concerns. These developments, of course, made it ripe for reformation. And this was very likely what many of the Mahāyāna groups were attempting to effect.

The selections that follow all come from a single *vinaya*, the *Mūlasarvāstivāda-vinaya*, or literature related to it, so at this stage one must be careful not to over-generalize. They are—and are only meant to be—suggestive of what we still have yet to learn. The first consists of three short texts that in their original context, as here, follow one after another. They define and present as obligatory what appear to be the three main elements of a Mūlasarvāstivādin monastic funeral: removal of the body—undoubtedly ritualized; the honor of the body (*śarīra-pūjā*)—which appears to have involved bathing the body (see section III) and other preparations prior to cremation; and the recitation of some sacred or "scriptural" text, the merit from which was to be assigned to the deceased. These actions are presented here as a set of rituals that the monks must perform before any distribution of the deceased monk's property can be undertaken. They are clearly intended to effect a definitive separation of the dead monk—here presented as a club-wielding "ghost"—from his personal belongings. Keep in mind that the expression used here, "robe and bowl," was a euphemism that covered a large variety of personal property. Notice too that these passages imply a kind of exchange relationship that is also expressed elsewhere (section VII): the monks are obligated to perform the funeral and, significantly, to transfer to the deceased [478] the reward, or "merit," that results from their ritualized recitation of the Dharma; but the deceased, in exchange, is to allow the distribution of his estate to take place unencumbered and without interference. This conception of a set of mutual obligations between the dead and the living is almost certainly only a specific instance of an established Indian norm. Indian legal texts, for example, take as a given that the property or estate of a dead person goes to the person or persons who perform his funeral rites.

The rules regarding monastic funerals in section I were presented as a response to the problem of inheritance and the distribution of monastic estates, a problem that will reappear in other selections (sections VII and VIII). The second selection presents another set of rules as a response to a different problem—that of avoiding social criticism or censure. Buddhism has often been presented as if it had been a force for social change in early India—a reaction to and an attempt to reform established Indian norms. But again, if this were ever actually true, it most certainly was not by the time the *vinayas* were compiled in the Middle Period. The *vinayas* are, in fact, preoccupied—if not obsessed—with avoiding any hint of social criticism and with maintaining the status quo at almost any cost. In terms of social norms the monks who compiled the *vinayas* were profoundly conservative men. Our second selection is but one particularly striking instance of this general trend. Here the institution of monastic funerals is presented and justified almost exclusively in terms of the need to avoid any offense to the social and religious sensi-

bilities of the world outside the monastery. This world was particularly sensitive to the question of the proper ritual treatment of the dead and the need to avoid the "pollution" associated with death and dying. Our selection seems, again, to represent a Buddhist monastic expression of these same Indian concerns. Unlike section I, it explicitly refers to the means of final disposal of the body and, in fact, presents several alternatives designed to meet various contingencies: cremation is preferred, but disposal in water or burial are acceptable in certain circumstances. The text also implies that whatever means of disposal is used, a recitation of the Dharma and the assigning of the resultant reward to the deceased are required. Finally, in regard to this selection, it should be noted that it contains the first reference that we have seen to "the three sections" (*tridaṇḍaka*) (which is also referred to in section VII). Although it is not certain what this was, it would appear to have been a standard formulary made up of three parts that was used on a variety of ritual occasions. The first part consisted of a set of verses in praise of the Buddha, the Dharma, and the Saṅgha; the middle portion was made up of a canonical text suited to the ritual occasion; and the third part contained a formal transference of merit.

In sections I and II, where the rules governing monastic funerals are presented as obligatory, there is no reference to lay participation in these affairs. But in section III such participation is presented both as an obligation and as a particular privilege sought after by a number of competing groups. The beginning of the text—which is omitted here—sets the stage for the events that our selection narrates to justify an exception to established monastic rule. It was a rule that monks [479] were not to enter towns or villages except at certain regular times. But the need to perform proper funeral rituals for a dead monk, the need to perform "the honors for his body," was apparently considered so important by the compilers of this *Vinaya* that it was able to override or abrogate this rule. The particular case that gave rise to this exception involved the death of a monk named Udāyin, who was known as the foremost of monks who were able to convert families. A married woman who had been sleeping with the leader of a gang of thieves was worried that this monk knew what she was up to and would reveal it. She arranged with her lover to lure the monk into a house. Her lover was to wait at the door and to dispatch the monk when he came out. Our selection picks up the story from here.

In this account the Buddha begins by reiterating the obligation of monks to perform the "honors for the body" of a fellow monk. As the story develops, what starts as a monastic obligation comes to be a ritual privilege that several categories of individuals seek to secure: there is a monastic claim, but it lacks ecclesiastical specificity—these monks are presented as neither specifically co-residential monks nor ecclesiastically recognized disciples of Udāyin; there is a royal claim, but it

has a purely personal or biographical basis; there is, finally, a lay claim, but one in which an institutionally recognized relationship is involved. This final claim is the one that wins. It is made by Mālikā, who declares that Udāyin was her "teacher" (*ācārya*). This would make her his "disciple" (*antevāsin*), which is an institutionally recognized formal relationship that involves a set of mutual obligations. Mālikā, however, is not a nun, but—elsewhere at least—a lay-sister, and herein lies a part of the significance of the text. Elsewhere in the *Mūlasarvāstivāda-vinaya* it is made clear that monks had a series of ritual obligations in regard to lay-brothers and lay-sisters (*upāsaka / upāsikā*). What our text seems to be suggesting is that lay-brothers and lay-sisters might, in turn, have certain ritual privileges in regard to monks. But here this is being negotiated, not asserted or made a rule. Our text seems to carefully avoid making a general rule. It simply establishes a precedent—"this happened once when . . ."—that is all. Future cases, therefore, would also have to be negotiated. The ambiguity seems to be intentional, and such ambiguity or ambivalence seems to be characteristic of all those situations in which lay participation in monastic ritual is at issue, or where control of, and access to, sacred objects is involved, and it is clearly visible again in section IV.

Section III also represents one of the rare cases in which building a *stūpa*, or permanent structural reliquary, for the postcremation remains of the deceased is specifically included as a part of the funeral. Generally these two things, although obviously related, were considered and treated separately, as in section IV. But the *stūpa* referred to here is almost certainly not of the monumental type; given that it was, as it were, built in a day, it was probably a small structure built over a pot containing the ashes of the deceased. There is Indian inscriptional evidence indicating that small *stūpas* were built for the local monastic dead, and in some cases these are explicitly said to have been erected—as in our text—by a disciple of the deceased. [480]

Section IV is particularly interesting. In Mūlasarvāstivādin literature at least—and probably in the literatures of other orders—it, and not the account of the death and funeral of the Buddha in the *Mahāparinirvāṇa-sūtra*, describes the origins of what we call the "relic cult" in monastic Buddhism. Like section III, it deals with questions of access and control and shows the monks and the laity jockeying for position; the monks win, of course, for they wrote the account. Like several other of our selections, its denouement deals not so much with devotion as with "dollars."

The selection starts with what was apparently the established monastic rule: the funeral of the Monk Śāriputra was performed by a fellow monastic. The text assumes that the remains or relics of a dead monk are the property of the monastic community. However, this position becomes the initial point of friction and the point to be negotiated. For the established monastic claim cuts off a monk in

death from the laity who in life may have been his supporters and followers. Such an assertion of proprietary rights by the monks has at least the potential to disaffect that lay group, and all our *vinayas* stress the need to avoid that.

After the Novice Cunda has performed the funeral of the Monk Śāriputra and handed his relics over to the Monk Ānanda, the latter goes to the Buddha to express his dismay at Śāriputra's death. The Buddha then delivers a longish homily on the meaning of Śāriputra's death, which is omitted here. The Householder Anāthapiṇḍada, who is the prototypical generous lay donor, then hears of Śāriputra's death and goes to the Monk Ānanda to present a claim on the relics. Ānanda responds with a counterclaim in exactly the same terms and refuses to give up possession of the relics. To this point, we have monastic possession of the relics, a lay claim, a monastic counterclaim, and unresolved deadlock. Here—as in so many other cases in the *vinaya* involving friction between the lay and monastic communities—the Buddha himself is brought in to mediate. The layman Anāthapiṇḍada repeats his claim to the Buddha, and the Buddha sides with him. The Buddha summons the Monk Ānanda and tells him to turn the relics over to Anāthapiṇḍada. The Buddha is also made to say, in effect, that when monks retain exclusive possession of monastic relics, this is not beneficial to the teaching, and that monks should rather occupy themselves with the "business of a monk"—recruiting, ordaining, and instructing other monks. Here we have articulated something like a distinction that is commonly said to have existed between the religious activity of monks and the religious activity of laypersons in Indian Buddhism: monks are to be properly occupied with maintaining the institution by inducting new recruits and with transmitting the teaching; activity in regard to relics is the concern of the laity. But note that it requires the authority of the Buddha to introduce this distinction, that it is presented as an innovation and that the prior or original monastic practice did not recognize this distinction. Also note that the account as we have it implies that there was some monastic resistance; at least the compilers of the account must have anticipated such resistance, because they apparently felt compelled to add what amounts to an editorial comment. After saying that Ānanda gave the relics of Śāriputra to the householder, [481] the text adds: "This was so since the Blessed One when formerly a *bodhisattva* never violated the words of his father and mother, or of his preceptor or teacher or other persons worthy of respect." This statement is syntactically isolated and does not form a part of the ongoing narrative. It appears, rather, to be an editorial intrusion intended to make explicit how the compilers wanted the text to be read: Ānanda acquiesced not as a result of his own inclinations but strictly as a matter of obedience.

There are other indications that the compilers of the account did not see the Buddha's instructions as a satisfying solution, for the account does not end here. Both the Buddha and the reluctant Monk Ānanda are presented as acceding to lay

desires to have monastic relics. But—you can almost hear the editors say—look what happened. Anāthapiṇḍada takes the relics and enshrines them in his house. Although others had some access to them, the text seems to emphasize that they virtually became the object of a private household cult. The issue came to a head because lay control of monastic relics ultimately resulted in exactly what it was intended to prevent: access to such relics, when in private hands, was restricted and could be entirely shut off. Enter, again, the Buddha. He rules that laypersons can, indeed, build *stūpas* for the relics of the monastic dead, but all such *stūpas*, except those for "ordinary" monks, must be built within the monastic complex, that is, must remain under monastic control. It is a clever piece. It makes it possible to present the Buddha as reasserting the right of monastic control solely for the sake of benefiting the laity.

Access and control, however, are not the only issues here. Relics gave rise to festivals; festivals gave rise to trade; trade gave rise to gifts and donations. It is this, in the end, that our text may be about. But to appreciate this particular monastic interest in monastic relics, an established principle of *vinaya* law must be kept in mind. Virtually all the *vinayas* contain rules stipulating that any donation made to the *stūpa* of a Buddha belongs to that *stūpa*, that is, to the Buddha himself, and could not, except under special circumstances (see section VI), be transferred to, or used by, either the monastic community or an individual monk. This legal principle, which continues in effect even in Mahāyāna *sūtra* literature, deprived the monks of an important source of revenue, and our text is almost certainly responding to this situation. It acknowledges that a token part (the "first fruit" offerings) of the donations in question is to be given to the Buddha in the form of the "Image that Sits in the Shade of the Jambu Tree." This was, apparently, an image of the Buddha that represented him in his first youthful experience of meditation. There are several references to it in the *Mūlasarvāstivāda-vinaya* (see section VIII), and an inscribed second-century image of this sort has been found at Sāñcī. A small part of the donations is also to be used to maintain the *stūpa* of Śāriputra. But the rest—and in this case that is a goodly amount—is to be divided among the monks. Our text hastens to add that in this instance there is no offense, because the donations were not made to a *stūpa* of the Buddha but to a *stūpa* of a specific disciple. The qualification to the established rule that is being introduced here, and the full range of its applicability, are stated more [482] straightforwardly in Guṇaprabha's *Vinayasūtra*, a fifth- to seventh-century monastic handbook that paraphrases our passage as "that which is given to the *stūpa* of a disciple belongs indeed to his fellow monks." Such *stūpas* could, then, come to be a legitimate source of revenue for the monks, and such a possibility may explain what Faxian, a fifth-century Chinese monk, said he saw in India: "wherever

monks live they build up *stūpas* in honor of the saints Śāriputra, Maudgalyāyana, and Ānanda."

We have no idea, of course, if any of the things narrated in our account actually occurred. If, as seems very likely, this account was compiled in the Middle Period, then it was written hundreds of years after the events it is supposed to be describing and has, in one sense, no historical value at all. But in another sense it is an extremely important historical document: it shows us how Mūlasarvāstivādin *vinaya* masters in the Middle Period chose to construct and to present their past to their fellow monks; it shows us how the issue of who controlled sacred relics had—at least for this period—been settled; more generally it shows us *vinaya* masters in the Middle Period seriously engaged with questions of power, access, relics, and money. These monks almost look like real people.

Sections V and VI both deal with an aspect not of death but of dying, and both link it with property. Both texts reflect the importance attributed by a variety of Indian sources—Hindu, Jain, and Buddhist—to the moment of death. The basic idea is succinctly expressed in a Jain text: "as is the mind at the moment of death, just so is one's future rebirth"; or in the *Samādhirāja-sūtra*: "when at the moment of passing away, death, or dying, the thought of something occurs, one's consciousness follows that thought." The last moment or one's dying thought was believed, in effect, to determine one's next birth. However serious the difficulties such a belief might create for official Buddhist doctrine, it is obvious from our two texts that *vinaya* masters took it as a given. The rules they present here are solely intended either to avoid negative thoughts at the moment of death (section V) or to ensure positive thoughts at such a time. The failure on the part of the monastic community to do what is required to effect either is not only a disciplinary fault but has disastrous consequences for their dying fellow monk, who is thereby condemned to rebirth in the hells.

How important such beliefs and rituals were to the monastic community is at least suggested in both texts. In section V, although the Buddha is made to rule that "excessive attachment" to some possession on the part of a monk is a fault, still the final ruling provides for the continuing existence of such a fault. In section VI the need to ensure a positive state of mind in a monk who may be on the point of death overrides not one, but two, otherwise firm *vinaya* laws. This need is apparently so important that the monks may use assets that belong to the Buddha to meet it, though this is normally strictly forbidden: to meet this need the monks are also allowed to engage in buying and selling, and this too is normally restricted.

In terms of detail, note that section V contains a reference to the actual cremation of a dead monk as being performed by a low-caste man; this would suggest [483] again that the monks had a purely ritual role and did not do the dirty work.

In section VI, as in VIII, there is a reference to "the perfumed chamber." We know from numerous references to this chamber in the *Mūlasarvāstivāda-vinaya*, and from architectural and inscriptional evidence, that it was the residential cell directly opposite the main entrance of the typically quadrangular Indian Buddhist monastery of the Middle Period. This cell was both by position and by architectural elaboration set off from the other residential cells and was reserved for the Buddha himself. The latter permanently resided in such a cell in every fully developed monastery in the form of what we call an image, and there were specific monks assigned to this chamber or monastic shrine. Section VI also contains a reference to a permanent endowment for the Buddha. We know from inscriptions that Buddhist monastic communities received such endowments throughout the Middle Period. They were called "permanent" because they consisted of sums of money that could never be spent but were to be lent out on interest by the monks to generate usable income. The *Mūlasarvāstivāda-vinaya* contains a text that gives detailed instructions governing such monastic loans and the use of written contracts of debt. Note finally that section VI ends by invoking a principle of the Indian law of property. Buddhist *vinaya* texts, in fact, frequently reveal points of contact with Indian law, as in sections VII and VIII.

Section VII presents an interesting case of interaction between *vinaya* law and secular law and involves a sizable monastic estate: "three hundred thousands of gold." The latter may appear surprising but should not be. Reference to the private wealth of monks is frequently found. In the *Suttavibhaṅga* of the Pāli *Vinaya* it is said, for example, that if a monk asks for yarn and then has it woven into robe material, that is an offense. But if the monk does it "by means of his own wealth," the same act is not an offense. There are a dozen such references to private wealth in this section of the Pāli *Vinaya* alone. There are also clear indications in both the Pāli and Mūlasarvāstivāda *Vinayas* that seem to suggest that monastic status or reputation was directly related to a monk's material possessions. Note that in section VI the monk who was "little known" had no medicine, and in section IX the Buddha himself and the selfish monk are each described as both "widely known" and the recipients of robes, bowls, medicines, and so on. Who you were was determined by what you received and had.

Evidence that individual monks must have had considerable private means is also available in Buddhist donative inscriptions. Large numbers of monks and nuns made private gifts to their communities, and some of these were impressive. Such wealth might very well have been of interest to the state, and establishing who had jurisdiction over, or rights of possession to, such wealth in the event of its owner's death was undoubtedly a matter of some negotiation between the state and the Buddhist monastic communities. What we see in the first part of section VII is, of course, only the monastic point of view.

The remainder of section VII suggests further that dealing with monastic estates could become a major and disruptive monastic preoccupation, and some means of sorting out the various claims was required. That is the main purpose of the [484] second half of the text. The Buddha is made to declare that the division and distribution of a dead monk's estate was to take place on only five occasions. The first three of these correspond to moments in a Mūlasarvāstivādin monastic funeral: (1) "when the gong for the dead is being beaten"—the sounding of the funeral gong, we know from other sources (see section IX), marked the beginning of a monastic funeral by summoning the monks; (2) the recitation of the Three Sections—referred to also in section II; and (3) "when the shrine (*caitya*) is being honored"—which seems to have marked the end of the funeral and is also referred to in section II. The order in which these occasions are listed seems to represent the order of preference and appears to favor direct participation in the funeral. If the distribution takes place on these occasions, only those present will receive a share. The other two occasions appear to take place separately: (4) at the distribution of counting sticks—such sticks are referred to in all the *vinayas* and were used for a variety of purposes; and (5) the making of a "formal motion"—such "motions" are also widely noted in *vinaya* literature and were used for any formal act or decision that required the consent of the entire community. Of these occasions, only the procedure for the formal motion is described in detail. Note the reference to "selling" a dead monk's property. Such references also occur elsewhere, and it appears that the property was first sold and the money realized was then divided among the monks. In Chinese sources it is clear that this involved an actual auction.

Section VIII also deals with the problem of estates, but of a particular kind. The estate in question belongs to what the text calls a "shaven-headed householder." Because monks shave their heads but householders do not, such individuals obviously represented a mixed or intermediate category. Our text purports to describe the origin of this category: a wealthy layman decided to enter the order and approached a monk. The monk shaved the householder's head and began to train him for ordination. But the householder fell seriously ill and—in accordance with an established *vinaya* rule against ordaining sick people—the Buddha declared that "the rules of training" were not to be given until he recovered. The Buddha also ruled, however, that monastic attendants should be given to the sick man even when he was taken back home. The man did not recover, but at the point of death made a written will and sent it to the monastery. He died, and government officials heard of it and of the size of his estate. They reported his death to the king. Because the man was sonless, and because according to Indian law the estate of a man who dies sonless goes to the king, the state should have had jurisdiction in this case and the king should have had clear rights to the property. But our monas-

tic text has the king declare—explicitly citing the case adjudicated in section VII—that a case of this sort too falls under the authority of the Buddha, that is, under the jurisdiction of monastic law. The king, in other words, is presented as acknowledging or confirming the religious status of the category "shaven-headed householder": the estate of such an individual is not subject to secular law.

What we see here is another instance of *vinaya* law interacting with Indian law. [485] But we probably see something else as well: this *vinaya* passage establishes a precedent and procedure that would allow a sonless man to avoid the confiscation of his estate by the state upon his death. The procedure involves a relationship of exchange and obligation that is embedded in the text without always being explicitly stated. The layman undergoes at least a ritual or symbolic ordination—his head is shaved—but it is not completed. This ritual ordination itself, however, creates an obligation for the monastic community to provide monastic attendants to look after the layman when he falls ill, whether he remains at the monastery or returns home. In other words, it provides a kind of health insurance for the layman. But in exchange, as it were, for attending to the layman in his final days—in this case, apparently for an extended period—the monastic community receives, upon his death, his entire estate. Both parties clearly gain by the arrangement. Certain rulings in the text itself suggest that what is being proposed here was intended to apply even to laymen who might have had children—there is a provision dealing specifically with what should happen to a deceased person's sons and daughters. In a case of this sort, the shaven-headed householder would have been able to divert his estate from its normal heirs.

What we have in section VIII is, then, almost certainly a Buddhist version of a ritual practice commonly found in other monastic traditions as well. Several of the Hindu *Saṃnyāsa Upaniṣads* refer to undergoing the rites of renunciation at the point of death; Jain sources, too, speak of laypersons' being initiated into the monastic order at the approach of death. But the strongest parallels are probably found in medieval Christian monastic practice: here too a layman is "ordained" at the approach of death; here too the monks are obligated to attend to him in his final days; and here too they receive his estate or substantial gifts in return.

The reference in section VIII to a written will is also of interest. Although the Pāli *Vinaya*, for example, knows and approves of the use, under certain conditions, of oral testaments or wills on the part of monks, nuns, lay-brothers and lay-sisters, or "anyone else," references to written wills are extremely rare even in Indian legal texts. There is also a reference to "written liens" or loan contracts that may form part of an estate, and to both Buddhist and non-Buddhist books. These and other such references provide important evidence for determining the history and use of writing in early India, a topic that is as yet little studied or understood. Finally, in terms of details, section VIII shows that ownership rights were clearly

divided in a Mūlasarvāstivādin monastery: property belonged to the Buddha or the Dharma or the Community. In each case such property could be used only for specific purposes and normally could not be transferred to another unit or purpose (see section VI). This tripartite division of property rights, or some form of it, is recognized by virtually all the *vinayas*.

There is one more point that needs to be noted in regard to section VIII. A Chinese monk named Yijing visited and studied in India in the last quarter of the seventh century. He wrote an important account of what he observed, which has survived and been translated into English under the title *A Record of the Buddhist Religion as Practiced in India and the Malay Archipelago*. Much of this *Record* may, [486] in fact, be based on Yijing's observations, but some of it is not. The whole of his chapter 36, apart from the first and last sentences, for example, is nothing more than a Chinese translation of the *vinaya* passage that we have been discussing. The failure to recognize this, and the fact that Yijing gives the passage out of context, have misled a number of modern scholars.

Section IX does not come from the *Mūlasarvāstivāda-vinaya*. It is presented here to show how some of the concerns in the other selections were treated in more literary form. Section IX is taken from a collection of stories called the *Avadānaśataka*, *The Hundred Edifying Stories*, apparently a Mūlasarvāstivādin text. Our selection appears to be in many ways only a narrative elaboration of the rules governing monastic funerals found in sections I and II. Although it is commonly asserted that *Avadāna* or Buddhist story literature was "popular" literature meant for the laity, there is little evidence for this, and a large number of such stories were—like our selection—explicitly addressed to monks, had monastic heroes and characters, and dealt with specifically monastic concerns that would have been of little interest to the laity. It is more likely that such moralizing story literature was written for and read by ordinary monks who probably, at all periods, made up the largest segment of the Buddhist monastic population.

Section IX throws some further light on at least one particular detail. Sections I, II, and III all refer to "assigning" or "directing" a reward to the deceased monk as a part of a monastic funeral, but section IX alone actually describes the procedure. Like numerous passages in the *Mūlasarvāstivāda-vinaya*, section IX makes it clear that "assigning the reward" meant making a formal declaration designating who should receive the merit resulting from a specific act. When the Buddha assigns the reward in section IX, he recites a verse that says in part, "what, indeed, is the merit from this gift, may that go to the hungry ghost," that is, the dead monk. In this case the merit is formally designated for the same "person" who made the gift. In sections I, II, and III the merit results from the acts of a group (the monks) or an individual (Mālikā) but is assigned to someone else (the deceased). This practice—usually called the "transference of merit"—used to be considered

a Mahāyāna innovation but is found even in the Pāli sources, frequently in the *Mūlasarvāstivāda-vinaya*, and almost everywhere in Buddhist donative inscriptions that have no determinable connection with the Mahāyāna.

The selections presented here are in several senses a mere sampling: they are taken from a single *vinaya*, or monastic code; they all deal with a single cluster of concerns; they all represent fragments of a large and complex literature. But they also suggest at least the possibility of a new reading of the *vinaya*, not as sources connected with the origins of Indian Buddhist monasticism but as documents of its Middle Period. They show what is to be learned by reading the *vinayas* not as documents dealing with spiritual or even ethical concerns but as works concerned with institutional, ritual, legal, and economic issues. They also show how much may have been missed or misunderstood by the modern scholarly preference for the Pāli *Vinaya*. Finally, they at least suggest how complex, rich—in [487] several senses—and remarkable an institution Buddhist monasticism might have been.

Five of the following selections are from the *Cīvaravastu* and have been translated from Sanskrit—I: GMs iii 2, 126.17–127.18; V: 125.10–126.16; VI: 124.11–125.9; VII: 117.8–121.5; and VIII: 139.6–143.14. One is from the *Vinayavibhaṅga* and translated from Tibetan—III: Derge, 'dul ba Nya 65a.2–66a.4 [the volume letter was incorrectly given as Nga in the original publication]. The remaining two *vinaya* texts are from the *Kṣudrakavastu* and are translated from Tibetan—II: Tog, 'dul ba Ta 352b.7–354a.5; and IV: Tog, 'dul ba Ta 354a.5–368a.5. IX is translated from Sanskrit: *Avadānaśataka* (Speyer) i 271–273.

I. Rules Governing Monastic Funerals and the Problem of Inheritance

This took place in Śrāvastī. On that occasion a certain monk who was sick died in his cell. He was reborn among the nonhuman beings. The monk who was the distributor-of-robes started to enter the cell of the dead monk, saying, "I distribute the bowl and robes." But the deceased monk appeared there with intense anger, wielding a club, and said: "When you perform for me the removal of the body, only then can you proceed with the distribution of my bowl and robe." The distributor-of-robes was terrified and forced to flee.

The monks asked the Blessed One concerning this matter.

The Blessed One said: "First the removal of the dead monk is to be performed. Then his robe and bowl are to be distributed."

This took place in Śrāvastī. On that occasion a certain monk died. The monks performed the removal of his body but simply threw it into the burning ground and returned to the monastery. The distributor-of-robes entered the dead [488] monk's cell, saying, "I distribute the bowl and robe." But the dead monk had been reborn among the nonhuman beings. Wielding a club, he appeared in his

cell and said: "When you perform the honor of the body for me, only then can you proceed with the distribution of my bowl and robe."

The monks asked the Blessed One concerning this matter.

The Blessed One said: "The monks must first perform the honor of the body for a deceased monk. After that his bowl and robe are to be distributed. There will otherwise be a danger."

This took place in Śrāvastī. On that occasion a certain monk who was sick died in his cell. After having brought him to the burning ground, and having performed for him the honor of the body, that deceased monk was cremated. Then the monks returned to the monastery. The distributor-of-robes entered the dead monk's cell. The dead monk appeared wielding a club, saying, "You have not yet given a recitation of the Dharma for my sake, but only then are you to proceed with the distribution of my monastic robes."

The monks asked the Blessed One concerning this matter.

The Blessed One said: "Having given a recitation of Dharma in the deceased's name, having directed the reward to him, after that his monastic robes are to be distributed."

II. Rules Governing Monastic Funerals and the Pressure of Social Criticism

The Buddha, the Blessed One, dwelt in Śrāvastī, in the Grove of Jeta, in the Park of Anāthapiṇḍada.

In Śrāvastī there was a certain householder. He took a wife from a family of equal standing, and after he had lain with her, a son was born. The birth ceremonies for the newborn son, having been performed in detail for three times seven or twenty-one days, the boy was given a name corresponding to his clan. His upbringing, to his maturity, was of a proper sort.

Later, when that householder's son had become a Buddhist monk, his bodily humors became unbalanced and he fell ill. Though he was treated with medicines made from roots and stalks and flowers and fruits, it was of no use, and he died.

The monks simply left his body, together with his robe and bowl, near a road.

Later, brahmins and householders who were out walking saw the body from the road. One said: "Hey look, a Buddhist monk has died." Others said: "Come here! Look at this!" When they looked, they recognized the dead monk and said: "This is the son of the householder what's-his-name. This is the sort of thing that happens when someone joins the Order of those lordless Buddhist [489] ascetics. Had he not joined their Order, his kinsmen would certainly have performed funeral ceremonies for him."

The monks reported this matter to the Blessed One, and the Blessed One

said: "Now then, monks, with my authorization, funeral ceremonies for a deceased monk must be performed." Although the Blessed One had said that funeral ceremonies for a deceased monk should be performed, because the monks did not know how they should be performed, the Blessed One said: "A deceased monk is to be cremated."

Although the Blessed One had said that a deceased monk should be cremated, the Venerable Upāli asked the Blessed One: "Is that which was said by the Reverend Blessed One—that there are eighty thousand kinds of worms in the human body—not so?" The Blessed One said: "Upāli, as soon as a man is born, those worms are also born, so, at the moment of death, they too surely die. Still, only after examining the opening of any wound is the body to be cremated."

Although the Blessed One had said a deceased monk is to be cremated, when wood was not at hand, the monks asked the Blessed One concerning this matter, and the Blessed One said: "The body is to be thrown into rivers." When there is no river, the Blessed One said: "After a grave has been dug, the body is to be buried." When it is summer and the earth is hard and the wood is full of living things, the Blessed One said: "In an isolated spot, with its head pointing north, having put down a bundle of grass as a bolster, having laid the corpse on its right side, having covered it with bunches of grass or leaves, having directed the reward to the deceased, and having given a recitation of the Dharma of the Three Sections (*tridaṇḍaka*), the monks are to disperse."

The monks dispersed accordingly. But then brahmins and householders derided them, saying: "Buddhist ascetics, after carrying away a corpse, do not bathe and yet go about their business. They are polluted." The monks asked the Blessed One concerning this matter, and the Blessed One said: "Monks should not disperse in that manner but should bathe." They all started to bathe, but the Blessed One said: "Everyone need not bathe. Those who came in contact with the corpse must wash themselves together with their robes. Others need only wash their hands and feet."

When the monks did not worship the shrine (*caitya*), the Blessed One said: "The shrine is to be worshiped."

III. The Death and Funeral of the Monk Kālodāyin: Negotiating Ritual Privileges

The ringleader of thieves, having pulled his sword from its sheath, waited at the door.

When the Venerable Udāyin came out, the ringleader, with a mind devoid [490] of compassion and without concern for the other world, severed his head and it fell to the ground.

An old woman saw him killing the noble one: "Who is this," she said, "who has done such a rash thing?"

The ringleader said: "You must tell no one or I will make sure that you too end up in the same condition!"

She was terrified and was then unable to speak. Thinking that perhaps someone following the tracks of the Eminent One would come by later, she—given the circumstances—remained silent.

The two of them, with minds devoid of compassion and without concern for the other world, hid the body of the Venerable Udāyin in a heap of trash and left it there.

That day the monk-in-charge-of-the-fortnightly-gathering, sitting at the seniors' end of the assembly, said: "Has someone determined the inclination of the Reverend Udāyin? The Reverend Udāyin is not here."

Then the Blessed One said to the monks: "Monks, that one who is the best of those who make families pious has been killed. His robes must be brought back, and the honors for his body must be performed!"

The Blessed One set forth but was stopped by the gate of Śrāvastī. He then caused a brightness like that of gold to shoot forth. He filled all of Śrāvastī with a light like that of pure gold.

Prasenajit, the King of Kośala, thought to himself: "Why has all of Śrāvastī been filled with a light like that of pure gold?" He thought further: "Without a doubt, the Blessed One wishes to enter!"

Together with his retinue of wives, and taking the key to the city, he unlocked the gate, and the Blessed One entered.

Prasenajit, the King of Kośala, thought: "But why has the Blessed One come into Śrāvastī at an irregular time?" But since Buddhas, Blessed Ones, are not easy to approach and are difficult to resist, he was incapable of putting a question to the Buddha, the Blessed One.

The Blessed One, together with the community of disciples, having gone ahead, Prasenajit, together with his retinue of wives, went following everywhere behind the Blessed One, until they came to that heap of trash.

The Blessed One then addressed the monks: "Monks, he who was the best of those who make families pious is hidden here. Remove him!"

He was removed, and those who had depended on the Venerable Udāyin, seeing there what had truly happened in regard to the Noble One, said: "Since he was our good spiritual friend, does the Blessed One allow us to perform the honors for his body?"

The Blessed One did not allow it.

Prasenajit, the King of Kośala, said: "Since he was a friend of mine from our youth, does the Blessed One allow me to perform the honors for his body?"

The Blessed One did not allow it.

Queen Mālikā said: "Since he was my teacher, does the Blessed One allow me to perform the honors for his body?" [491]

The Blessed One allowed it.

Queen Mālikā, then, having had the dirt removed from the body of the Ven-

erable One with white earth, had it bathed with perfumed water. Having adorned a bier with various-colored cotton cloths, she put the body onto it and arranged it.

Then the Blessed One, together with the community of disciples, went ahead, and the king, together with his retinue of wives, followed behind them.

Having put the bier down at an open, extensive area, Queen Mālikā, heaping up a pile of all the aromatic woods, cremated the body. She extinguished the pyre with milk, and having put the bones into a golden pot, she had a mortuary *stūpa* erected at a crossing of four great roads. She raised an umbrella, a banner, and a flag and did honor with perfumes, strings of garlands, incense, aromatic powders, and musical instruments. When she had venerated the *stūpa's* feet, the Blessed One, having assigned the reward, departed.

IV. Śāriputra's Death and the Disposition of His Remains: Negotiating Control and Access to Relics

After the Venerable Śāriputra had died, the Novice Cunda performed the honors for the body on the remains of the Venerable Śāriputra and, taking the remains, his bowl, and monastic robes, set off for Rājagṛha. When in due course he arrived at Rājagṛha, he put down the bowl and robe, washed his feet, and went to the Venerable Ānanda. When he had honored with his head the feet of Ānanda, he sat down to one side. Being seated to one side, the Novice Cunda said this to the Venerable Ānanda: "Reverend Ānanda, you should know that my preceptor, the Reverend Śāriputra, has entered into final *nirvāṇa*—these are his relics and his bowl and monastic robes."

The Householder Anāthapiṇḍada heard it said that the Noble Śāriputra had passed away into final *nirvāṇa* and that his relics were in the hands of the Noble Ānanda. Having heard that, he went to the Venerable Ānanda. When he had arrived there and had honored with his head the feet of the Venerable Ānanda, he sat down to one side. Having sat down to one side, the Householder Anāthapiṇḍada said this to the Venerable Ānanda: "May the Noble Ānanda hear! Since for a long time the Noble Śāriputra was to me dear, beloved, a guru, and an object of affection, and since he passed away into final *nirvāṇa* and his relics are in your possession, would you please hand them over to me! The honor due to relics should be done to his relics!"

Ānanda said: "Householder, because Śāriputra for a long time was to me dear, beloved, a guru, and an object of affection, I myself will perform the honor due to relics for his relics."

Then the Householder Anāthapiṇḍada went to the Blessed One. When he had arrived there and had honored with his head the feet of the Blessed One, he sat down to one side. Having sat down to one side, the Householder

Anā[492]thapiṇḍada said this to the Blessed One: "May the Reverend One hear! For a long time the Noble Śāriputra was to me dear, beloved, a guru, and an object of affection. His relics are in the hands of the Noble Ānanda. May the Blessed One please grant that they be given to me! I ask for the honor due to relics for his relics."

The Blessed One then, having summoned Ānanda through a messenger, said this to him: "Ānanda, give the relics of the Monk Śāriputra to the Householder Anāthapiṇḍada! Allow him to perform the honors! In this way brahmans and householders come to have faith. Moreover, Ānanda, through acting as you have, there is neither benefit nor recompense for my teaching. Therefore you should cause others to enter the Order, you should ordain them, you should give the monastic requisites, you should attend to the business of a monk, you should cause [the teaching] to be proclaimed to monks as it was proclaimed, cause it to be taken up, teach it, and through this, indeed, you profit and give recompense for my teaching."

Then the Venerable Ānanda, by the order of the Teacher, gave the relics of Śāriputra to the Householder Anāthapiṇḍada—this was so because the Blessed One, when formerly a *bodhisattva*, never violated the words of his father and mother or of his preceptor or teacher or other persons worthy of respect.

The Householder Anāthapiṇḍada took the relics of the Venerable Śāriputra and went to his own house. When he got there, he placed them at a height in the most worthy place in his house and, together with members of his household, together with his friends, relations, and older and younger brothers, undertook to honor them with lamps, incense, flowers, perfumes, garlands, and unguents.

The people of Śrāvastī heard then that the Noble Śāriputra had passed away into final *nirvāṇa* in the village of Nalada in the country of Magadha, that the Noble Ānanda, after having obtained his relics, presented them to the Householder Anāthapiṇḍada, and that the latter, together with members of his household, together with his friends, relatives and acquaintances, and elder and younger brothers, honored them with lamps, incense, flowers, perfumes, garlands, and unguents. When Prasenajit, the King of Kośala, heard this, he went to the house of the Householder Anāthpiṇḍada together with his wife Mālikā, the Lady Varṣakārā, both Ṛsidatta and Purāṇa, and Viśākhā, the mother of Mṛgāra, as well as many of the devout, all of them carrying the requisites for doing honor. Through paying honor to the relics with the requisites of honor, several of them there obtained accumulations of good qualities. But on another occasion when some business arose in a remote village, the Householder Anāthapiṇḍada, having locked the door of his house, went away. But a great crowd of people came then to his house, and when they saw the door locked, they were derisive, abusive, and critical, saying, "In that the Householder Anāthapiṇḍada has locked the door and gone off, he has created an obstacle to our merit."

Later the Householder Anāthapiṇḍada returned, and members of his house-[493]hold said: "Householder, a great multitude of people carrying the requi-

sites of honor came, but seeing the door locked, they were derisive, abusive, and critical, saying, 'Anāthapiṇḍada has created an obstacle to our merit.'"

Anāthapiṇḍada thought to himself, "This indeed is what I must do," and went to the Blessed One. When he had arrived there and had honored with his head the feet of the Blessed One, he sat down to one side. Seated to one side, he said this to the Blessed One: "Reverend, when a great multitude of men who were deeply devoted to the Venerable Śāriputra came to my house carrying the requisites of honor, I, on account of some business, had locked the doors and gone elsewhere. They became derisive, abusive, and critical, saying, 'In that the Householder Anāthapiṇḍada has locked the door and gone away, he has created an obstacle to our merit.' On that account, if the Blessed One would permit it, I would build a *stūpa* for the Noble Śāriputra in a suitably available place. There the great multitudes of men would be allowed to do honor as they wish."

The Blessed One said: "Therefore, Householder, with my permission, you should do it!"

Although the Blessed One had said, "with my permission, you should do it," Anāthapiṇḍada did not know how a *stūpa* should be built.

The Blessed One said: "Make four terraces in succession; then make the base for the dome; then the dome and the *barmikā* and the crowning pole; then, having made one or two or three or four umbrellas, make up to thirteen, and place a rain receptacle on the top of the pole."

Although the Blessed One had said that a *stūpa* of this sort was to be made, because Anāthapiṇḍada did not know if a *stūpa* of such a form was to be made for only the Noble Śāriputra or also for all Noble Ones, the monks asked the Blessed One concerning this matter, and the Blessed One said: "Householder, in regard to the *stūpa* of a Tathāgata, a person should complete all parts. In regard to the *stūpa* of a Solitary Buddha, the rain receptacle should not be put in place; for an Arhat, there are four umbrellas; for One Who Does Not Return, three; for One Who Returns, two; for One Who Has Entered the Stream, one. For ordinary good monks, the *stūpa* is to be made plain."

The Blessed One had said, "In regard to a *stūpa* for the Noble Ones it has this form, for ordinary men this," but Anāthapiṇḍada did not know by whom and in which place they were to be made. The Blessed One said: "As Śāriputra and Maudgalyāyana sat when the Tathāgata was seated, just so the *stūpa* of one who has passed away into final *nirvāṇa* is also to be placed. Moreover, in regard to the *stūpas* of each individual Elder, they are to be arranged according to seniority. Those for ordinary monks are to be placed outside the monastic complex."

The Householder Anāthapiṇḍada said: "If the Blessed One were to give permission, I will celebrate festivals of the *stūpa* of the Noble Śāriputra."

The Blessed One said: "Householder, with permission, you should do it!"

Prasenajit, the King of Kośala, had heard how, when the Householder Anā[494]thapiṇḍada asked of the Blessed One permission to institute a festival of the *stūpa* of the Noble Śāriputra, the Blessed One had permitted its institu-

tion. Prasenajit, having thought, "It is excellent! I too should help in that," and having had the bell sounded, proclaimed: "Sirs, city dwellers who live in Śrāvastī, and the multitudes of men who have come together from other places, hear this: 'At the time when the festival of the *stūpa* of the Venerable Śāriputra occurs, for those who have come bringing merchandise there is to be no tax, no toll, nor transportation fee. Therefore, they must be allowed to pass freely here!'"

At that time five hundred overseas traders who had made a great deal of money from their ships arrived at Śrāvastī. They heard then how the king, sounding the bell in Śrāvastī, had ordered, "Whoever, at the time when the festival of the *stūpa* of the Noble Śāriputra occurs, comes bringing merchandise, for them there is to be no tax, no toll, nor transportation fee. Therefore, they must be allowed to pass freely here!" Some thought to themselves: "This king abides in the fruit of his own merit but is still not satisfied with his merit. Since gifts given produce merit, why should we not give gifts and make merit?" Becoming devout in mind, on the occasion of that festival they gave tortoise shells and precious stones and pearls and so on.

The monks, however, did not know how to proceed in regard to these things.

The Blessed One said: "Those gifts that are the 'first fruit' offerings are to be given to the 'Image that Sits in the Shade of the Jambu Tree.' Moreover, a small part is to be put aside for the repair of the *stūpa* of Śāriputra. The remainder is to be divided by the assembly of monks—this is not for a *stūpa* of the Tathāgata, this is for a *stūpa* of Śāriputra: therefore one does not commit a fault in this case."

V. The Death of a Monk Who Was Excessively Attached to His Bowl

This took place in Śrāvastī. A certain monk was afflicted with illness, was suffering, seriously ill, overcome by pain. His bowl was lovely, and he was excessively attached to it.

He said to the attendant monk: "Bring my bowl!" The attendant did not give it to him. The sick monk, having become angry in regard to the attendant, died attached to his bowl.

He was reborn as a poisonous snake in that same bowl.

The monks, after carrying his body to the burning ground, after performing the funeral rites, returned to the monastery.

The monks assembled. The belongings of the deceased were set up on the senior's end of the assembly by the distributor-of-robes. At that moment the Blessed One addressed the Venerable Ānanda:

"Go, Ānanda! Declare to the monks: 'No one should loosen the bowl-bag of that deceased monk. The Tathāgata alone will loosen it.'" [495]

The Venerable Ānanda told the monks. After that the Tathāgata himself loosened it. The poisonous snake, having made a great hood, held its ground.

Then the Blessed One, having aroused it with the sound *ṛvraṭā*, harnessed it. "Go!" he said, "you stupid fellow. Give up this bowl! The monks must make a distribution!"

That snake was furious. He slithered off into a dense forest. There he was burnt up by the fire of anger, and that dense forest burst into flames. Because at the moment when he was consumed by the flames he was angry with the monks, he was reborn in the hells.

Then the Blessed One addressed the monks: "You, monks, must be disgusted with all existence, must be disgusted with all the causes of existence and rebirth. Here, indeed, the body of one person was burnt up on three different occasions: in the dense forest by the fire of anger; in hell by an inhabitant of hell; in the burning ground by a low-caste man. Therefore, a monk should not form excessive attachment in regard to a possession. That to which such an attachment arises is to be discarded. If one does not discard it, he comes to be guilty of an offense. But if a sick person asks for one of his own belongings, it should indeed be very quickly given to him by the attendant monk. If one does not give it, he comes to be guilty of an offense."

VI. Undertaking Acts of Worship for Sick or Dying Fellow Monks

At that time a monk was afflicted with illness, was suffering, seriously ill. He was little known; there was no medicine for him. Realizing the nature of his condition, he said to the attendant monk: "There is nothing that can be done for me. You must perform worship for my sake!"

The attendant monk promised, but the sick monk died. He was reborn in the hells.

Then the Blessed One addressed the monks: "Monks, the monk who died, what did he say to the attendant monk?"

They related the situation as it had occurred.

"Monks, that deceased monk has fallen into a bad state. If his fellow monks had performed worship to the Three Precious Things, his mind would have been pious. Therefore, a monk should never ignore a sick fellow monk. An attendant should be given to him. When he asks for it, if there is no medicine for him, a donor is to be solicited by the attendant monk. If that succeeds, it is good. But if it does not succeed, what belongs to the Community is to be given. If that succeeds, it is good. If it does not succeed, that which belongs to the Buddha's permanent endowment is to be given. But if that too does not succeed, an umbrella or banner or flag or ornament on a shrine of a Tathāgata, or in the Perfume Chamber, which is to be preserved by the Community, is to be made use of. After selling it, the attendant monk should look after him and perform worship to the Teacher. [496] To a monk who has recovered this is to be said: 'What belongs to the Buddha was used for you.' If that monk has any means, he, making every ef-

fort, should use it for repayment. If he has none, in regard to that used for him it is said: 'The belongings of the father are likewise for the son. Here there should be no remorse.'"

VII. The Death and Property of the Monk Upananda

When he died, the Monk Upananda had a large quantity of gold—three hundred thousands of gold: one hundred thousand from bowls and robes; a second hundred thousand from medicines for the sick; a third hundred thousand from worked and unworked gold. Government officials heard about it. They reported it to the king, saying: "Lord, the Noble One Upananda has died. He had a large quantity of gold—three hundred thousands of gold. We await your orders in regard to that!"

The king said: "If it is so, go! Seal his residential cell!"

The monks, having taken up Upananda's body, had gone to the cremation. The government officials came and sealed Upananda's cell.

After having performed the funeral ceremonies for him at the cremation ground, the monks returned to the monastery. They saw the cell sealed with the seal of the king. The monks asked the Blessed One concerning this matter. On that occasion the Blessed One said this to the Venerable Ānanda: "Go, Ānanda! In my name, ask King Prasenajit concerning his health, and speak thus: 'Great King, when you had governmental business, did you then consult the Monk Upananda? Or when you took a wife or gave a daughter, did you then consult Upananda? Or at sometime during his life, did you present Upananda with the standard belongings of a monk—robes, bowls, bedding and seats, and medicine for the sick? Or when he was ill, did you attend him?' If he were to answer no, this is to be said: 'Great King, the affairs of the house of householders are one thing; those of renouncers quite another. You must have no concern! These possessions fall to the fellow monks of Upananda. You must not acquiesce to their removal!"

Saying "Yes, Reverend," Ānanda, having understood the Blessed One, approached Prasenajit, the King of Kośala. Having approached, he spoke as he had been instructed.

The King said: "Reverend Ānanda, as the Blessed One orders, just so it must be! I do not acquiesce to their removal."

The Venerable Ānanda then reported to the Blessed One the answer of the king.

Then the Blessed One addressed the monks: "Monks, you must divide the estate left by the Monk Upananda!" Having brought it into the midst of the community, having sold it, the monks divided the return. But the monks from Sāketā heard it said: "Upananda has died. He had a great quantity of [497] gold—three hundred thousands of gold—which was divided by the monks." Making

great haste, the monks of Sāketā went to Śrāvastī. They said: "We too were fellow monks of the Reverend Upananda. The possessions belonging to him fall to us as well!"

Having reassembled the estate, the monks of Śrāvastī divided it again together with the monks of Sāketā. The same thing happened with monks from six great cities, since monks from Vaiśālī, Vārāṇasi, Rājagṛha, and Campā also came. The monks, having reassembled the estate on each occasion, divided it. Reassembling and dividing the estate, the monks neglected their exposition, reading, training, and mental focus.

The monks asked the Blessed One concerning this matter.

The Blessed One said: "There are five occasions for the distribution of possessions; which five? The gong, the Three Sections (*tridaṇḍaka*), the shrine, the counting sticks, and the formal motion is the fifth. He who, when the gong for the dead is being beaten, comes—to him a portion is to be given. It is the same when the Three Sections (*tridaṇḍaka*) is being recited, when the shrine is being honored, when counting sticks are being distributed, when a formal motion is being made. Therefore, in the last case, monks, after making a formal motion in regard to all the estate, it is to be divided. The formal motion should be a fixed procedure and should be done in this way: having made a provision of seats and bedding . . . and so forth, as before, up to . . . when the entire community is seated and assembled, having placed the estate of the deceased at the senior's end of the assembly, a single monk seated at the senior's end should make a formal motion: 'Reverends, the Community should hear this! In this parish the Monk Upananda has died. This estate here, both visible and invisible, is his. If the Community would allow that the proper time has come, the Community should give consent, to wit: that the Community should take formal possession of the goods of the deceased Monk Upananda, both visible and invisible, as an estate of the deceased—this is the motion.' This, monks, is the last occasion for the distribution of the estate of the deceased—that is to say, the formal motion. A monk who comes when this motion has already been made is not to be given a portion."

The Venerable Upāli asked the Buddha, the Blessed One: "Wherever, Reverend, there is no one who makes a motion through lack of agreement in the Community—is an estate to be divided there?"

The Blessed One said: "It is not to be divided—Upāli, after having performed 'the first and last,' it is to be distributed."

But the monks did not know what 'the first and last' was.

The Blessed One said: "After selling as a unit the deceased's belongings, and then giving a little to the seniormost of the Community and to the juniormost of the Community, it is to be distributed agreeably. There is in that case no cause for remorse. When a formal motion has been made, or 'the first and last,' then the possessions belonging to the estate of a deceased monk fall to all pupils of the Buddha." [498]

VIII. The Death and Distribution of the Estate of a Shaven-Headed Householder

This took place in Śrāvastī. At that time in Śrāvastī there was a householder named Śreṣṭhin who was rich, had great wealth, possessed much property, whose holdings were extensive and wide, and who possessed the wealth of Vaiśravaṇa, equaled in wealth Vaiśravaṇa. He took a wife from a similar family. Being sonless but wanting a son, he supplicated Śiva and Varuṇa and Kubera and Śakra and Brahmā, and so on, and a variety of other gods, such as the gods of parks, the gods of the forest, the gods of the crossroads, the gods of forks in the road, and the gods who seize offerings. He even supplicated the gods who are born together with individuals, share their nature, and follow constantly behind them. It is, of course, the popular belief in the world that by reason of supplication sons and daughters are born. But that is not so. If it were so everyone—like the wheel-turning king—would have a thousand sons. In fact, sons and daughters are born from the presence of three conditions. What three? Both the mother and the father are aroused and have coupled; the mother, being healthy, is fertile; and a *gandharva* is standing by. From the presence of these three conditions, sons and daughters are born.

But when there was neither son nor daughter even through his propitiation of the gods, then, having repudiated all gods, the householder became pious in regard to the Blessed One. Eventually he approached a monk: "Noble One," he said, "I wish to enter the Order of this well-spoken Dharma and Vinaya."

"Do so, good sir!" said the monk, and in due order, after shaving the householder's head, he began to give him the rules of training. But the householder was overcome with a serious fever that created an obstacle to his entering the Order.

The monks reported this matter to the Blessed One.

The Blessed One said: "He must be attended to, but the rules of training are not to be given until he is again healthy."

Although the Blessed One had said that he was to be attended to, the monks did not know by whom this was to be done.

The Blessed One said: "By the monks."

The doctors treated the man during the day, but at night his debility grew worse. They said: "Nobles, we treat him during the day, but at night his debility grows worse. If he were taken home we could treat him at night as well."

The monks reported this matter to the Blessed One.

The Blessed One said: "He should be taken home, but there too you must give him an attendant!"

His debility turned out to be of long duration. His hair grew longer and longer. It was in regard to him that the designation "shaven-headed householder, shaven-headed householder" arose.

When he did not get better although treated with medicines made from

[499] roots, stalks, leaves, flowers, and fruits, then, realizing the nature of his condition, he said, "I am dead." After that, at the time of death, he made a written will containing all the personal wealth belonging to him and sent it to the Grove of Jeta. And he died.

His government officials reported to Prasenajit, the King of Kośala: "Lord, a shaven-headed householder without a son has died, and he had a great deal of gold and silver, elephants, horses, cows, buffaloes, and equipment. Having made a written will containing all of that, it was sent to Jeta's Grove for the Noble Community."

The king said: "Even in the absence of a written will, I did not obtain the possessions of the Noble Upananda; how much less will I obtain such goods when there is a written will. But what the Blessed One will authorize, that I will accept."

The monks reported this matter to the Blessed One.

The Blessed One said: "Monks, what is there in this case?" The monks fully described the estate.

The Blessed One said: "It is to be divided according to circumstances. Therein, property consisting of land, property consisting of houses, property consisting of shops, bedding and seats, a vessel made by an ironworker, a vessel made by a coppersmith, a vessel made by a potter—excepting a waterpot and a container—a vessel made by a woodworker, a vessel made by a canesplitter, female and male slaves, servants and laborers, food and drink, and grains—these are not to be distributed but to be set aside as property in common for the Community of Monks from the Four Directions.

"Cloths, large pieces of cotton cloth, a vessel of hide, shoes, leather oil bottles, waterpots, and water jars are to be distributed among the entire Community.

"Those poles that are long are to be made into banner poles for the 'Image that Sits in the Shade of the Jambu Tree.' Those that are quite small, having been made into staffs, are to be given to the monks.

"Sons and daughters are not to be sold at will within the Community, but when they have gained piety, they are to be released.

"Of quadrupeds, the elephants, horses, camels, donkeys, and mules are for the use of the king. Buffaloes, goats, and sheep are property in common for the Community of Monks from the Four Directions and are not to be distributed.

"And what armor and so forth is suitable for the king, all that is to be handed over to the king, except for weapons. The latter, when made into knives, needles, and staffs, are to be handed out within the Community.

"Of pigments, the great pigments, yellow, vermilion, blue, and so on are to be put in the Perfumed Chamber to be used for the image. Khaṃkhaṭika, red, and dark blue are to be distributed among the Community.

"Spirituous liquor, having been mixed with roasted barley, is to be buried in the ground. Turned into vinegar, it is to be used. Except as vinegar it is not [500] to be used but is to be thrown away. Monks, by those who recognize me

as Teacher spirituous liquor must neither be given nor drunk—even as little as could be held on the tip of a blade of grass.

"Medicines are to be deposited in a hall suitable for the sick. Thence they are to be used by monks who are ill.

"Of precious jewels—except for pearls—the gems, lapis lazuli, and conch shells with spirals turning to the right are to be divided into two lots: one for the Dharma; a second for the Community. With that which belongs to the Dharma, the word of the Buddha is to be copied, and it is to be used as well on the lion seat. That which belongs to the Community is to be distributed among the monks.

"Of books, books of the word of the Buddha are not to be distributed but to be deposited in the storehouse as property in common for the Community of Monks from the Four Directions. The books containing the treatises of non-Buddhists are to be sold, and the sum received is to be distributed among the monks.

"Any written lien that can be quickly realized—the share of the money from that is to be distributed among the monks. And that which is not able to be so realized is to be deposited in the storehouse as property in common for the Community of Monks from the Four Directions.

"Gold and coined gold and other, both worked and unworked, are to be divided into three lots: one for the Buddha; a second for the Dharma; a third for the Community. With that which belongs to the Buddha repairs and maintenance on the Perfumed Chamber and on the *stūpas* of the hair and nails are to be made. With that belonging to the Dharma the word of the Buddha is to be copied or it is to be used on the lion seat. That which belongs to the Community is to be distributed among the monks."

IX. Monastic Rules Expressed in Story: The Death and Funeral of a Rich Monk in the *Avadānaśataka*

The Buddha, the Blessed One, honored, revered, adored, and worshiped by kings, chief ministers, wealthy men, city dwellers, guild masters, traders, by gods, *nāgas*, *yakṣas*, *asuras*, *garuḍas*, *kiṃnaras*, and *mahoragas*, celebrated by gods and *nāgas* and *yakṣas* and *asuras* and *garuḍas* and *kiṃnaras*, and *mahoragas*, the Buddha, the Blessed One, widely known and of great merit, the recipient of the requisites, of robes, bowls, bedding, seats, and medicines for illness, he, together with the community of disciples, dwelt in Śrāvastī, in Jeta's Grove, in the Park of Anāthapiṇḍada.

In Śrāvastī there was a guild master who was rich, had great wealth, possessed much property, possessed the wealth of Vaiśravaṇa, equaled in wealth Vaiśravaṇa. He on one occasion went to Jeta's Grove. Then he saw the Buddha, the Blessed One, fully ornamented with the thirty-two marks of the Great Man, his limbs glorious with the eighty secondary signs, ornamented with an aureole

[501] of a full fathom, an aureole that surpassed a thousand suns—like a moving mountain of gems, entirely beautiful. And after having seen him, after having worshiped at the feet of the Blessed One, he sat down in front of him to hear the Dharma. To him the Blessed One gave an exposition of the Dharma, instilling disgust with the round of rebirths. When he had heard this and had seen the faults of the round of rebirth and the qualities in *nirvāṇa*, he entered the Order of the Blessed One. When he had entered the Order, he became widely known, of great merit, approached, a recipient of the requisites, of robes, bowls, bedding, seats, and medicines for illness. He, having accepted the requisites, obtained more and more. He accumulated a hoard but did not share with his fellow monks. He, through this selfishness, which was cultivated, developed, and extended, and being obsessed with personal belongings, died and was reborn in his own cell as a hungry ghost.

Then his fellow monks, having struck the funeral gong, performed the removal of the body. Having performed the honor of the body on his body, they then returned to the monastery. When they unlatched the door of his cell and began to look for his bowl and robe, they saw that deceased monk who was now a hungry ghost, deformed in hand and foot and eye, his body totally revolting, standing there clutching his bowl and robe. Having seen him deformed like that, the monks were terrified and reported it to the Blessed One.

Then the Blessed One, for the purpose of assisting that deceased son of good family, for the purpose of instilling fear in the community of students, and for the purpose of making fully apparent the disadvantageous consequences of selfishness, went to that place, surrounded by a group of monks, at the head of the Community of monks. Then that hungry ghost saw the Buddha, the Blessed One, fully ornamented with the thirty-two marks of the Great Man, his limbs glorious with eighty secondary signs, ornamented with an aureole of a full fathom, an aureole that surpassed a thousand suns—like a moving mountain of gems, entirely beautiful—and as soon as he had seen him, piety in regard to the Blessed One arose in him. He was ashamed.

Then the Blessed One, with a voice that was deep like that of a heavy thundercloud, like that of the kettledrum, admonished the hungry ghost: "Sir, this hoarding of bowl and robe by you is conducive to your own destruction. Through it you are reborn in the hells. Indeed, your mind should be pious in regard to me! And you should turn your mind away from these belongings—lest, having died, you will next be born in the hells!"

Then the hungry ghost gave the bowl and robe to the Community and threw himself at the Blessed One's feet, declaring his fault. Then the Blessed One assigned the reward in the name of the hungry ghost: "What, indeed, is the merit from this gift—may that go to the hungry ghost! May he quickly rise from the dreadful world of hungry ghosts!"

Then that hungry ghost, having in mind become pious toward the Blessed One, died and was reborn among the hungry ghosts of great wealth. Then the

hungry ghost of great wealth, wearing trembling and bright earrings, his limbs [502] glittering with ornaments of various kinds, having a diadem of many-colored gems and his limbs smeared with saffron and tamāla leaves and spṛkka, having that very night filled his skirt with divine blue lotuses and red lotuses and white lotuses and mandāra flowers, having suffused the whole of Jeta's Grove with blinding light, having covered the Blessed One with flowers, sat down in front of the Blessed One for the sake of hearing the Dharma. And the Blessed One gave him an appropriate exposition of the Dharma. Having heard it and become pious, he departed.

The monks remained engaged in the practice of wakefulness throughout the entire night. They saw the blinding light around the Blessed One, and having seen it—being unsure—they asked the Blessed One: "Blessed One, did Brahmā, the Lord of the World of Men, or Śakra, the Leader of the Gods, or the Four Guardians of the World approach in the night for having the sight (*darśana*) of the Blessed One?"

The Blessed One said: "Monks, it was not Brahmā, the Lord of the World of Men, nor Śakra, the Leader of the Gods, nor even the Four Guardians of the World who approached for having sight of me. But it was that hungry ghost who, having died, was reborn among the hungry ghosts of great wealth. In the night he came into my presence. To him I gave an exposition of the Dharma. He, becoming pious, departed. Therefore, monks, work now toward getting rid of selfishness. Practice, monks, so that these faults of the guild master who became a hungry ghost will thus not arise for you."

This the Blessed One said. Delighted, the monks and others—*devas*, *asuras*, *garuḍas*, *kiṃnaras*, *mahoragas*, and so on—rejoiced in what the Blessed One spoke.

CHAPTER V

Dead Monks and Bad Debts

Some Provisions of a Buddhist Monastic Inheritance Law

DEBT WAS A MAJOR concern it seems for those brahmins who wrote or redacted both ancient and classical Indian religious and legal texts. It was a central piece of brahmanical anthropology—Patrick Olivelle, discussing what he, following Charles Malamoud, calls "the theology of debt" in Vedic literature, says that "the very existence, the very birth of a man creates his condition of indebtedness," and Malamoud had already said: "In the same way as the notion of debt is already there, fully formed, in the oldest texts, so does fundamental debt affect man and define him from the moment he is born."[1] Both are of course, at least in part, alluding to the famous passage in the *Taittirīya Saṃhitā* (6.3.10.5), which says: "A Brahmin, at his very birth, is born with a triple debt—of studentship to the seers, of sacrifice to the gods, of offspring to the fathers."[2]

Brahmanical literature was not, however, concerned only with man's religious or anthropological debt—it was equally occupied with real financial debt, and often the two sorts of debt are tightly entangled. Typical of the legal concern with debt is the *Nāradasmṛti*, "the only original collection of legal maxims (*mūlasmṛti*) which is purely juridical in character."[3] The first and by far the longest of its chapters dealing with "titles of law" (*vyavahārapadāni*) is devoted to "nonpayment of debt" (*ṛṇādānam*). It contains 224 verses. By comparison, the second-longest chapter, the chapter dealing with "relations between men and women" (*strīpuṃsayoga*), covers what one might have thought was a far broader range of issues but consists of only 117 verses; and the thorny issue of "partition of inheritance" (*dāyābhāga*) is treated in only 49 verses. A preoccupation with legal debt and the recovery of debt is moreover by no means limited to *Nārada*, as a glance at modern works like Chatterjee's *The Law of Debt in Ancient India* will show: the topic was similarly

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addressed by previous *śāstrakāras* and by those who followed him, and it also forms a significant part of almost all the "digests," or *nibandhas*.[4]

Given the length to which *Nārada* pursues the topic, it is probably not surprising that we find reference in his discussion—and that fairly early on (I.7)—to ascetics who die in debt. Even though we do not often think of [100] Indian ascetics as having or entering into contractual obligations, *Nārada* says:

> *tapasvī câgnihotrī ca ṛṇavān mriyate yadi /*
> *tapaś caivâgnihotraṃ ca sarvaṃ tad dhaninām dhanam //*

which Richard Lariviere translates as

> If an ascetic or an agnihotrin dies in debt, all of the merit from his austerities and sacrifices belongs to his creditors.[5]

The exact status of the *tapasvin*, or "ascetic," here is of course not clear, and the reference to debts may refer to debts incurred or contracted before the individual undertook the practices of an ascetic. But that is not stated to have been the case. A little clearer perhaps is *Viṣṇu* 6.27: "*Viṣṇu* is explicit on this point: when a debtor dies or renounces [*pravrajita*] or is away in a distant land for twenty years, his sons and grandsons should settle the debt"; and, as Olivelle notes, *Kātyāyana* makes a similar statement.[6] Care, however, is probably best taken not to exclude the possibility that "ascetics" and/or "renouncers" were not as socially dead as some of the prescriptive texts make out. Some of these same texts contain explicit rules governing the inheritance of a deceased renouncer's property even though he was not supposed to have any—Olivelle in fact says that "the civil death of the renouncer makes him incapable of owning property."[7] Some Indian *vinaya* literature would seem to require that such questions be left open or, at the least, problematizes the civil status of both Buddhist monks and Indian renouncers and the relationship, or comparability, of the two.[8] "Some" here, however, is the operable term.

There has been a marked tendency even in scholarly literature to refer to "the *Vinaya*," as if there were only one, when in fact the actual reference is only to the Pāli *Vinaya*. This is a habit that should not be encouraged for any number of good reasons, not the least of which is that there are a half a dozen other extant *vinayas*. Moreover, the relationship of the Pāli *Vinaya* to Indian practice may not be as clear and straightforward as has been unquestionably assumed,[9] and the citation of it alone is certainly distortive, as can be seen in a case that is particularly germane to our topic. Chatterjee, for example, has said with some confidence: "The entanglement and anxieties of debt as well as corporate liability belonging to communistic life in a religious order rendered it necessary to debar any candidate from

to it.[17] It is already clear that this sort of pattern repeatedly occurs, but the apparent priority of texts in the *Uttaragrantha* may also be detected in another pattern as well.

There are, to be sure, instances where a version of a text found in the *Uttaragrantha* occurs elsewhere in the *Mūlasarvāstivāda-vinaya*, or a topic treated in the *Uttara* is similarly treated in some other *vastu* or section, but these are almost never exact doublets and often there is at least some indication suggesting the priority of the version in the *Uttara*. Both the *Kṣudrakavastu* and the *Uttara*, for example, have a similar text dealing with a monk's continuing right to inherit family property even after he is ordained, but—as I have pointed out elsewhere—the version found in the *Kṣudraka* has a reference to the monk's "foster mother," which makes no sense there and could only have been taken over from the version of the text found in the *Uttara*, where it also occurs and makes perfectly natural narrative sense.[18] Likewise, both the *Vinayavibhaṅga* and the *Uttaragrantha* have texts dealing with permanent endowments or perpetuities whose funds are to be lent out on interest. But whereas in the *Vibhaṅga* these loans are to be made and serviced by the monks themselves, in the *Uttara* it is explicitly said that this is to be done by a monastery's factotum (*ārāmika*) or a lay-brother (*upāsaka*), suggesting perhaps a far greater fastidiousness on the part of the *Uttara* in regard to the open engagement of monks in commercial matters, at least in this case.[19]

These sorts of patterns pointing toward the priority or importance of the *Uttaragrantha* can also be detected even beyond the boundaries of the *vinaya* proper. In recent years the Mūlasarvāstivādin affiliation of the *Avadānaśataka*, for example, has become increasingly clear, and it is even beginning to appear that the *Avadānaśataka*—like the *Divyāvadāna*—is heavily dependent on this *Vinaya*. Michael Hahn, for example, has already pointed out that the *Mūlasarvāstivāda-vinaya* has versions of both the *Śaśa* and *Dharmagaveṣin Avadānas*, which are very close to those now found in the *Avadānaśataka* (nos. 37 and 38). He says: "Except for a few redactional changes which became necessary because of the different frame stories, the Tibetan texts of the MSV *Vinaya* point to a wording which is absolutely identical with that of the *Avadānaśataka*." He goes on to say—quite rightly, I think—that "in principle, borrowing in either direction is possible, although in this particular case it seems to be more likely that the redactors of the *Avadānaśataka* extracted the two legends from the MSV *Vinaya* and furnished it with the standardized frame they used throughout their work."[20] Professor Hahn's observations are particularly relevant here, of course, because they could just as easily be describing two other texts also in the *Avadānaśataka*. Both the *Maitrakanyaka* and the [103] *Śrīmatī Avadānas*—numbers 36 and 54 in the *Avadānaśataka*—also have close parallels in the *Mūlasarvāstivāda-vinaya*, and in these cases too "the Tibetan texts of the MSV *Vinaya* point to a wording which is absolutely identical with that of the

Avadānaśataka." But whereas in one of Hahn's cases the redactors of the *Avadānaśataka* appear to have borrowed from the *Bhaiṣajyavastu*, and in the other they appear to have gotten their text from the *Kṣudrakavastu*, both the *Maitrakanyaka* and the *Śrīmatī* almost certainly were taken from the *Uttaragrantha*.[21]

A final consideration concerning the importance of the *Uttaragrantha* is related to the apparent use made of it by Guṇaprabha in his remarkable *Vinayasūtra*. The sources of Guṇaprabha's individual *sūtras* can—especially with the help of Bu ston—usually be identified with a reasonable degree of certainty, and a large number of them turn out to be based on the *Uttaragrantha*. This will be clear, perhaps, even if we limit ourselves to a single example that is particularly germane to our topic. In his sixth chapter, headed *Cīvaravastu*, Guṇaprabha has a series of *sūtras* dealing with what can only be called Mūlasarvāstivādin monastic inheritance law. According to the commentaries and Bu ston's equally remarkable *'Dul ba pha'i gleng 'bum chen mo*,[22] it would appear that these *sūtras* are based on and are digesting at least twenty-five separate canonical texts or passages. The sequence and distribution of these canonical passages is interesting and indicative of Guṇaprabha's working methods. Both can be clearly seen in the following table, which lists the canonical passages in the order in which Guṇaprabha treats them:

i.	*Uttaragrantha*—Derge	Pa 85a.3–86a.2 Bu ston	290a.2–.3[23]
ii.		Pa 86a.2–.6	290a.3–.5
iii.		Pa 86a.6–b.4	290a.5–.6
iv.		Pa 86b.4–.7	290a.6–.7
v.		Pa 86b.7–.87a.4	290a.7–b.1
		(i–v continuous)	
vi.	*Cīvaravastu*—GMs iii 2,	113.14–117.4	290b.1–291a.1
vii.		117.8–122.20	291a.1–292a.2
	(vi–vii, an *uddāna* intervenes, otherwise continuous)		
viii.	*Uttaragrantha*—Derge	Pa 88a.1–.2	292a.1
ix.	*Cīvaravastu*—GMs iii 2,	143.15–145.12	292a.1–.7
x.		147.10–148.20	292a.7–b.4 [104]
xi.		146.7–147.9	292b.4–.6
xii.		126.17–127.18	292b.6–293a.3
xiii.	*Uttaragrantha*—Derge	Pa 87a.4–.6	293a.3–.4
xiv.		Pa 132b.2–.7	293a.4–.7
xv.		Pa 132b.7–133a.3	293a.7–b.2
xvi.		Pa 133a.3–b.1	293b.2–.4
xvii.		Pa 133b.1–.4	293b.4–.5
xviii.		Pa 133b.4–134a.1	293b.5–.7
		(xiv–xviii continuous)	
xix.	*Cīvaravastu*—GMs iii 2,	145.13–146.6	293b.7–294a.2
xx.		122.20–123.15	294a.2–.5

xxi.	*Uttaragrantha*—Derge	Na 261a.1–.5	294a.5–.7
xxii.	*Cīvaravastu*—GMs iii 2,	124.1–.10	294a.7–b.2
xxiii.	*Kṣudrakavastu*—Derge	Tha 252b.3–254a.1	294b.2–.6
xxiv.	*Uttaragrantha*—Derge	Pa 130a.4–131a.3	294b.6–295a.1
xxv.	*Cīvaravastu*—GMs iii 2,	139.6–143.14	295a.1–.3

Several things are fairly obvious from this table. First, bearing in mind that the *sūtras* in the *Vinayasūtra* that digest this canonical material cover only a little more than a single large page of printed Devanāgarī in Sankrityayana's edition (thirty-five lines), it is clear that Guṇaprabha has packed a great deal—material that covers nearly ten folios, or twenty pages, of printed Tibetan, plus more than twenty printed pages of Devanāgarī in Dutt's edition of the *Cīvaravastu*—into a small space. It is equally clear that Guṇaprabha does not present his material in anything like its canonical order. He starts by summarizing in sequential order material that covers two leaves of the *Uttara*, the last section of the canonical *Vinaya*; then he summarizes, again in sequential order, material that covers nine pages of the *Cīvaravastu*, which is the sixth or seventh subsection of the first section in the canonical *Vinaya*;[24] then he jumps back to a two-line text in the *Uttara*; then back again to a block of material from the *Cīvara*, which he presents completely out of order; then again back to a block of material—this time presented in sequence—from the *Uttara*; and so on.[25] But though our table provides what might well turn out to be some good indications of Guṇaprabha's general working methods, perhaps the most important thing it shows for our immediate purposes is the significant place that the *Uttaragrantha* has in Guṇaprabha's understanding and presentation [105] of the rules governing Mūlasarvāstivādin monasticism: his presentation of Mūlasarvāstivādin inheritance law, while it makes considerable use of the *Cīvaravastu*, starts with the *Uttaragrantha*, implicitly indicating what is confirmed by the canonical text itself, that the foundational ruling for all the rest is found there. Although the *Cīvaravastu* served as the basis for many of Guṇaprabha's *sūtras* and ten of the identifiable texts he used come from it, fourteen are from the *Uttaragrantha*. The latter, therefore, could hardly have been considered by him as a mere "appendix" or "abridgement" that contained nothing not found elsewhere. To judge by this example—and there are many more like it—the *Uttaragrantha* must have been considered an integral, an important, and in many instances a foundational part of the *Mūlasarvāstivāda-vinaya*.

Our table, moreover, shows at least one other important thing as well. Because almost all of the texts that we are about to discuss dealing with debt and the death of a monk are included in the list of Guṇaprabha's sources—they are numbers xiv through xvii—it is clear that, at least as Guṇaprabha saw it, they are a part of a larger "system" of Mūlasarvāstivādin monastic inheritance law and by no means isolated or anomalous rulings that had no continuing influence. Once these rul-

ings were enshrined in Guṇaprabha's *Vinayasūtra*, moreover, they were ensured a continuing long life in it, in the bulky commentarial tradition that quickly grew up around it, and on into the Tibetan exegetical tradition.[26]

The texts in the *Uttaragrantha* that deal with private debt and the death of a monk are typical of many other sets of texts there. They are all short and similarly structured; their narrative frame is lean and repetitive; they follow one another in a sequential order; and they deal with one issue at a time. Because these texts are little known, an edition of the Tibetan text will be given first, followed by a translation. The Tibetan texts are based on the three Kanjurs that are available to me: the Tog Palace Manuscript Kanjur (= Tog); the Derge Xylograph (= Derge); and the Peking Edition (= Peking). I reproduce the "punctuation" that is found in Tog.[27]

II. (= xiv)

Tog Na 190b.3–191a.4 = Derge Pa 132b.2–.7 = Peking Phe 129a.3–b.1

sangs rgyas bcom ldan 'das mnyan du yod pa'i dze ta'i tshal mgon med zas sbyin gyi kun dga'[1] *ra ba na bzhugs so /* {106}

dge slong gzhan zhig gis[2] *khyim bdag cig las kar sha pa ṇa*[3] *zhig bskyis ba dang / de dus kyi mtha' zhig tu ci*[4] *zhig gis dus 'das nas / dge slong de ji ltar dus*[5] *'das pa khyim bdag des thos so / dge slong de ji ltar dus 'das pa khyim bdag des thos nas / gtsug lag khang du song ste / shes bzhin du dge slong dag la dris pa / 'phags pa 'di zhes bgyi ba'i dge slong de gang na mchis /*

de dag gis smras pa / bzhin bzangs dus 'das so /

'phags pa[6] *des bdag gi kar sha pa ṇa*[3] *zhig bskyis te 'tshal lo*[7] */*

bzhin bzangs de ni dur khrod du bskyal gyis der song ste dos shig /

'phags pa khyed kyis de'i lhung bzed dang chos gos bgos na bdag gis ji ltar dur khrod du song ste bda' / khyed[8] *kyis stsol*[9] *cig ces smras pa dang / de ltar gyur pa dge slong rnams kyis bcom ldan 'das la gsol nas / bcom ldan 'das kyis bka' stsal pa / dge slong dag khyim bdag des ni legs par smras te / de'i nor las bskyis pa dge slong dag gis byin cig /*

de dag gis gang nas sbyin pa mi shes nas / bcom ldan 'das kyis bka' stsal pa / de'i lhung bzed dang chos gos yod pa las byin cig /

dge slong de dag gis lhung bzed dang chos gos de dag byin pa dang / chos gos dang lhung bzed[10] *de dag ma 'dod nas / bcom ldan 'das kyis bka' stsal pa / tshongs la byin cig /*

dge slong dag gis de dag thams cad byin no /

bcom ldan 'das kyis bka' stsal pa / ji tsam blangs pa de tsam du byin la lhag ma bgos shig /

The Buddha, the Blessed One, was staying in the Park of Anāthapiṇḍada, in the Jetavana of Śrāvastī.

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1. Peking: *dga'i*. 2. Tog: omits *gis*, but cf. II. 3. Derge: *kār shā pa ṇa*. 4. Tog: *ji*. 5. Peking: *du*. 6. Peking: omits *pa*. 7. Derge, Peking: *to*. 8. Derge, Peking: *khyod*. 9. Peking: *sol*. 10. Derge, Peking: *lhung bzed dang chos gos*, reversing the items.

A certain monk had borrowed some money from a householder, and when his time had come and he had died of something, that householder heard how that monk had died. When that householder had heard how that monk had died, he went to the *vihāra* and—although he knew—asked the monks: "Noble Ones, where is that monk named so-and-so?"

"He, sir, is dead," they said.

"Noble Ones, he borrowed some of my money and I want it."

"Well, sir, since he has been carried out to the cremation grounds, you will just have to go there and collect!"

"When you, Noble Ones, have already divided his bowl and robes, how am I going to go and collect in the cremation grounds? You must repay me!," he said. And when the monks reported what had occurred to the Blessed One, the Blessed One said: "That householder, monks, speaks properly, and the monks must repay the money that was borrowed from him!"

When the monks did not know from what he was to be repaid, the Blessed One said: "He must be repaid from the bowl and robes that deceased monk had!"

The monks gave him the bowl and robes, but when he did not want robes and bowls, the Blessed One said: "You must sell them and then repay him!"

The monks gave the householder all of the proceeds.

The Blessed One said: "As much as was taken, so much must be returned, and the rest must be divided!" [107]

The first thing that might be noted about this short text—the first of the series—is that although it might not always be possible to determine the exact Sanskrit vocabulary underlying its Tibetan translation, the meaning of the text on almost every important point is virtually certain. That we are dealing here with money, for example, is absolutely certain. The key term is in every case but one transliterated, not translated, and was *kārṣāpaṇa*, the designation of a coin type of variable value that is also widely used in Sanskrit to refer in general to "money, gold and silver."[28] That the monk had "borrowed" *kārṣāpaṇas* from a layman is also not in doubt. Here the Tibetan is *bskyis ba*, the past tense of *skyi ba*, and Jäschke, for example, gives under *nor*—which also occurs once in our text in place of *kārṣāpaṇa*—*nor skyi ba*, as meaning "to borrow money."[29] Likewise, the first meaning under *skyi ba* in the *Bod rgya tshig mdzod chen mo* is *dngul sogs g-yar ba*, "to borrow silver [or money], etc."[30] Lokesh Chandra's *Tibetan-Sanskrit Dictionary* gives *uddhāra* as the Sanskrit equivalent of *skyi ba*, and a form of *uddhāra* is twice translated by the closely related *skyin po* in a passage in the *Carmavastu* of the *Mūlasarvāstivāda-vinaya* that also occurs in the *Divyāvadāna*:[31] *skyin pa* means "a loan, a thing borrowed"; and both Edgerton and Cowell and Neil recognize the meaning "debt" for *uddhāra*, a meaning it also has in Pāli, though not commonly in Sanskrit. The Sanskrit equivalent for the one other important action in our text is, finally, much

more straightforward. At the end of our text the monks are told, in effect, that they must liquidate the deceased monk's estate, that they must "sell" it. The Tibetan here is *tshongs*, an imperative form of *'tshong*, which is a widely and well-attested equivalent for forms from Sanskrit *vi√krī*, perhaps the most common Sanskrit term for "to sell."[32] This is, moreover, as we will see, not the only place that monks are ordered by the Buddha to do this.

But apart from matters of vocabulary, it is also worth noting here that the deceased monk's action—a monk's borrowing money from laymen—passes entirely without comment: this is not the problem, and no rule forbidding it is provided by our text or by any other that I know of.[33] The problem that our text addresses appears, ironically, not even to have been a particular concern of the general run of monks. Their cheeky response to the layman's assertion—which, as we will see, will be repeated—is nothing if not dismissive: they tell him in effect to buzz off. But although this might be well and good for individual monks, it was precisely this sort of thing that the "author" of our ruling—who we can assume speaks through the Buddha's mouth—apparently wanted to stop.

Like the authors of all Buddhist texts, whether *sūtra* or *śāstra*, our author was almost certainly not an average or typical Indian Buddhist [108] monk. Moreover, as a *vinayadhara*, or monastic lawyer, he would have had specific and specialized concerns and would have been charged, as it were, with a particular mission. Herein, of course, lay the problem. Almost everything in the *Mūlasarvāstivāda-vinaya*—and perhaps in other *vinayas* as well—suggests that its author or authors were concerned with building and maintaining an institution and therefore avoiding social criticism. This concern appears to have prompted, especially in the *Mūlasarvāstivāda-vinaya*, any number of rulings that would accommodate and bring its version of Buddhist monasticism into line with brahmanical values and concerns. A good example of this can be seen in Mūlasarvāstivādin rules governing monastic funerals.[34] Given that they deal with a related issue, it should be no surprise that the texts we are concerned with here provide another example: they too appear to have been designed to shield the institution from criticism and to bring its practice into conformity with *dharmaśāstric* law or expectation. It probably did not escape our *vinayadhara*'s notice that by doing so they would as well provide some assurance to any potential lender or creditor that a loan to a member of a Buddhist community would not go bad. This last may have been more important than we can realize, because the *Mūlasarvāstivāda-vinaya* itself contains repeated references, put in the mouth of tradesmen, that suggest that its author or authors knew that Buddhist monks had a reputation among such folk for not paying their bills. In the *Kṣudrakavastu*, for example, when a monk's bowl begins to leak and he takes it to a smith to be repaired, the latter tries to get rid of him, thinking to himself, the text says: "Although these monks commission work, they do not pay

the bill" (*de dag ni khas las byed du 'jug pa yin gyi / gla rngan ni mi ster ba*). In the *Carmavastu* a cobbler says much the same sort of thing when a monk brings him his sandals to repair: "Buddhist monks want us to work, but without wages" (*śākya'i sras kyi dge slong rnams ni rngan pa med par 'chol gyis . . .*).[35] It is, of course, almost impossible to know at this distance anything certain about the relationships between Buddhist monks and Indian tradesmen. The presence of passages like these—and many others—suggests that they had them, and that such narrative criticisms occur even in Buddhist sources may suggest that such relationships were not always good. Moreover, that several of the texts in our series also deal—as we shall see—with the same relationships would seem to indicate that our *vinayadhara* thought they were in need of careful regulation.

Considerations of this kind must of course remain conjectural. What is far more certain, though, is the effect of the ruling put in place by our text, which, again, is only the first of the series. Classical "Hindu" [109] law was clear on certain aspects of the law of debt. Chatterjee, for example, says: "Gautama prescribes that those who inherit the property of a person should discharge his debt. The idea finds place in the texts of *Yājñavalkya* and *Viṣṇu*." Gautama's text is particularly elegant: *rikthabhāja ṛṇaṃ pratikuryuḥ* (xii.37).[36] Because our text explicitly indicates that, in the case it is describing, the monks had already "inherited" (*bgos na*—translating a past tense from √*bhaj*) the dead monk's estate (his "bowl and robes"), the householder's assertion ("You [monks] must repay me!") is not—in light of *Gautama* et al.—an individual claim or private opinion but the invocation of brahmanical law or expectation. When the Buddha is made to declare that "that householder . . . speaks properly," he is only saying that he speaks in conformity with *dharmaśāstra*. And when the Buddha then immediately—and, by implication, consequently—orders that the monks must repay what was borrowed, he is in fact insisting that his monks conform to brahmanical norms.

One last observation in regard to our text concerns the good business sense of this *Vinaya*'s Buddha. Although we are not told how much money the deceased monk had borrowed, the text explicitly says that when the monks liquidated his estate, they gave everything to the lay creditor, and the clear implication—especially in light of our next text—was that this was in excess of what had been borrowed. At this point the Buddha, unasked, intervenes and insists on a much more enlightened procedure that would be far more favorable to his monks: they must repay only as much as was borrowed—nothing here is said about interest even though our redactors elsewhere required monks themselves to charge interest on money that they lent, and even though *dharmaśāstric* texts have a great deal to say about it, some of which our monks appear to have known.[37]

We have, then, in our little text a good solution to a potentially serious problem. It averts social criticism of monastic practice; it brings Buddhist monastic

practice into conformity with brahmanical norms; it—incidentally—might also serve to assure members of the Buddhist monastic community continuing access to credit by providing any potential lender something like a limited guaranty. But though it was a good solution, it was not a complete solution, and the problem remained that the guaranty was based on the size of the deceased monk's estate: if the estate was equal to or in excess of what had been borrowed, then the guaranty would have effect. But what if it were not? Moreover, the ruling our text provides could be interpreted to admit, in principle, corporate liability for the debt of its individual members and to expose Community assets or those of other monks to any action for recovery. How important these considerations [110] were to our *vinayadhara* may be indicated by the fact that both points of law were explicitly addressed in a separate text that immediately follows the one we have been dealing with in the *Uttaragrantha*.

III. (= xv)

Tog Na 191a.4–b.2 = Derge Pa 132b.7–133a.3 = Peking Phe 129b.1–.4

mnyan du yod pa na dge slong gzhan zhig gis khyim bdag cig las kar sha pa ṇa[1] *zhig bskyis ba dang / de dus kyi mtha' zhig tu ji zhig*[2] *gis dus*[3] *'das pa dang / dge slong de dag gis snga ma bzhin du lhung bzed dang chos gos btsongs nas de la byin no /*

khyim bdag gis smras pa / 'phags pa des[4] *bdag las*[5] *'di tsam zhig 'tshal te / bdag la ni 'di las ma stsal gyis / gzhan yang stsol cig ces smras pa dang / de ltar*[6] *gyur pa dge slong rnams kyis / bcom ldan 'das la gsol pa dang / bcom ldan 'das kyis bka' stsal pa / de la de'i lhung bzed dang chos gos ni 'di las med do*[7] *zhes sgo*[8] *zhig / de ste yid mi ches na go bar gyis shig / go bar bsgo yang mi*[9] *btub na de*[10] *la dge 'dun gyi 'am / gang zag gzhan gyi las ni ma*[11] *sbyin cig / rigs kyi gzu bo rnams kyis go bar bsgo la thong zhig /*

In Śrāvastī a certain monk borrowed some money from a householder, and when his time had come, he died of something. Then after the monks had sold his bowl and robes as before, they repaid the householder.

The householder said: "Noble Ones, that monk took this much from me, but since you have not returned it to me from this, you must return still more!" And the monks reported to the Blessed One what had occurred, and the Blessed One said: "You must inform him saying: 'In regard to his bowl and robes there is nothing beyond this.' If he does not believe that, you must make a clear account. If, even when a clear account is declared, that is not acceptable, you must not repay him from what belongs to the Community or another individual monk! Mediators of good family must declare a clear account and settle it!"

1. Derge: *kār shā pa ṇa*. 2. Derge, Peking: *ci zhig*. 3. Derge, Peking: omit *dus*. 4. Derge, Peking: *der*. 5. Tog: *la*. 6. Derge, Peking: *de lta bur*. 7. Peking: probably *mad do*, but could also be read as *mang ngo*. 8. Peking: *bsgo*. 9. Peking: *ma*. 10. Peking: *da*. 11. Peking: *na me*.

related,[73] and yet the language of the Pāli text is on its own—or at least as it has been translated—not immediately transparent. In the Pāli text the Buddha is made to say: *anujānāmi bhikkhave phātikammatthāya parivattetun ti*, and this has produced some awkward translations. Rhys Davids and Oldenberg have represented it by "I allow you, O Bhikkhus, to barter . . . these things in order to increase the stock of legally permissible furniture," but this, of course, is more of a paraphrase than a translation, and the added gloss—"the stock of legally permissible furniture"—itself runs into trouble because, as the attached note implies, *kambala* is nowhere declared "impermissible." Horner's translation is much less padded but no more straightforward: "I allow you, monks, to barter it for (something) advantageous," and Wijayaratna understands it to mean that the monks "were allowed to exchange it for something else."[74]

Part of the problem here must be that *phātikammatthāya* is an unusual expression. According to the recent and useful *Index to the Vinaya-Piṭaka*, it occurs in the Pāli *Vinaya* only in this passage and the one that immediately follows it. The only other related form—*phātikātum*—also only occurs once in the entire *Vinaya*.[75] The Pāli Text Society dictionary gives for *phātikamma* in our passage the meanings "increase, profit, advantage" and *phātikātum* in the phrase *na paṭibalo . . . adhigataṃ vā bhogaṃ phātikātum* at *Vinaya* i 86.12 has been [125] rendered by Horner as "I am not able . . . to increase the wealth (already) acquired."[76] Since *parivatteti* is certainly used in the *Vinaya* to mean "invert," "barter," and "exchange"—the latter once where "gold and silver" is "exchanged" for some product—it would seem that the phrase *phātikammātthāya parivattetun* should mean "to exchange/barter/sell for the purpose of making a profit" or something like that. But if it does mean that—and the Mūlasarvāstivādin parallel also would suggest it should—that meaning is not immediately obvious and requires some effort to see. Perhaps the most easily available explanation for this lack of transparency is that it is intentional, that in having the Buddha say *phātikammātthāya parivattetun* the redactors of the Pāli *Vinaya* were employing a conscious euphemism. A reluctance on the part of modern scholars to see what even Pāli texts might have been saying probably has also not helped the discussion.

The larger issue in all of this is, however, rather simple. It would appear that we have a great deal yet to learn about what has been presented as, or assumed to be, a settled issue: whether or not and to what degree Buddhist *vinaya* literature—all Buddhist *vinaya* literature—allowed, permitted, or mandated the participation of monks in commercial activity. Our *Uttaragrantha* texts make a significant contribution toward understanding the Mūlasarvāstivādin position(s) on these issues, and the text most immediately at hand here (IV) would seem to indicate not only that Mūlasarvāstivādin monks were expected to engage in monetary purchases

on a regular basis but also that Mūlasarvāstivādin *vinayadharas* were redacting rules that would address some of the problems between merchants and monks that could arise from these activities. The ruling in IV seems, indeed, to have no other purpose than to establish a procedure that—again without exposing community assets—would provide merchants some assurance that credit extended to a Buddhist monk would be made good by the inheritors of his estate upon that monk's death. This ruling, even more than the others we have seen, would seem to favor the creditor over the monks: what would otherwise have gone to them must be used to make up any shortfall that results from the sale of what the deceased had bought on credit. But like the other rulings, this ruling too is most directly engaged in establishing the liabilities of monks in regard to the estate of a fellow monk, not their rights. Our *vinayadhara*, however, is not yet finished.

The vast majority of the canonical texts dealing with monastic inheritance that were digested by Guṇaprabha do not in fact deal with the issue of [126] liability. They are overwhelmingly concerned with rights. There are texts dealing with the rights of nuns to the estate of a dead monk (ii—except in the absence of other monks they have none), and vice versa (iii—to the same, though reversed, effect). There are texts detailing the rights of monks to the estate of another monk who dies between monastic boundaries (*sīmā*) (viii) or to the estate of one of a group of traveling monks who dies within the monastic boundaries of another group (xi). There are texts determining the priority of the rights of monks to the estate of a dead monk that is in the possession of a layman (xiii), and a considerable number of others. The next two texts in the sequence of texts from the *Uttaragrantha* that we are here dealing with form, then, in at least some sense, a subset of this larger group: they too deal with the rights of monks. But they also belong to our sequence because they address the issue of debt. In these two cases, however, the issue is not what a monk owed at the time of death but rather what was owed to him. These last two texts are even shorter than the others and are most conveniently treated together.

V (= xvii)

Tog Na 192a.2–.7 = Derge Pa 133b.1–.4 = Peking Phe 130a.2–.6

gleng gzhi ni mnyan du yod pa na[1] / *dge slong zhig gis tha ga pa la ras 'thag pa'i phyir skud pa dang* / *rngan pa byin pa las* / *dge slong de dus 'das nas*[2] / *dge slong rnams kyis tha ga pa la*[3] *bos te* / *bzhin bzangs*[4] *khyod la dge slong ming 'di zhes bya bas ras 'thag pa'i phyir skud pa dang rngan pa byin pa de slar*[5] *phul cig ces smras pa dang* / *des 'phags pa rnams bdag gis de la ras sbyin*[6] *par byas kyis*[7] / *skud pa dang rngan pa ni ma lags so*

1. Peking: adds *ste*. 2. Derge, Peking: have *dus 'das pa dang* instead of *dus 'das nas*. 3. Derge: omits *la*. 4. Peking: *bzang*. 5. Peking: *slab*. 6. Peking: *byin*. 7. Derge, Peking: *kyi*.

zhes smras pa dang / dge slong rnams kyis de ji ltar bya ba ma shes nas / de ltar gyur pa dge slong rnams kyis / bcom ldan 'das la gsol pa dang /) bcom ldan 'das kyis dge slong rnams tha ga pa smra ba ni bden gyis ras su long zhig ces smras pa dang[8] */ dge slong rnams kyis phra mo las bkug pa dang / des*[9] *'phags pa rnams bdag gis de la sbom po sbyin par byas so zhes smras pa dang / bcom ldan 'das kyis bka' stsal pa / dge slong de ni dus 'das kyis ci*[10] *ltar byin pa de lta bu long zhig*[11] */*

VI (= xviii)

Tog Na 192a.7–b.5 = Derge Pa 133b.4–134a.1 = Peking Phe 130a.6–b.1

gleng gzhi ni mnyan du yod pa na ste / dge slong zhig gis gos 'tshong ba la kar sha pa ṇa[1] *byin te / ras shig byin cig ces smras pa dang / dge slong de dus 'das nas / dge slong rnams kyis gos 'tshong ba la bos te / bzhing bzangs*[2] *khyod la dge slong ming 'di zhes bya bas ras kyi rin zhig byin pa de 'on cig ces*[3] *smras pa dang / des 'phags pa rnams de la*[4] *ras su sbyin par bgyis so zhes smras pa dang / dge slong rnams kyis de la ji ltar bya ba mi shes so /*

de ltar gyur pa dge slong rnams kyis bcom ldan 'das la gsol nas / bcom ldan 'das kyis dge slong rnams gos 'tshong ba de smra ba ni bden gyis / ras su long zhig[5] *ces smras pa dang / dge slong rnams kyis phra mo bkug pa dang*[6] */ des 'phags pa rnams*[7] *bdag gis de la sbom po dbul bar bgyis so zhes smras pa dang / bcom ldan 'das kyis bka' stsal pa / dge slong de ni dus 'das na ji lta bu byin pa de bzhin du long zhig*[8] */*

V (= xvii)

The setting was in Śrāvastī. When after a monk had given thread and wages to a weaver for the purpose of having cloth woven, and the monk died, the monks summoned the weaver and said: "Sir, the monk named so-and-so gave you thread and wages for the purpose of having cloth woven and you must give that back!" But the weaver said: "Noble Ones, since I was to give him cloth, there is no thread or wages." And when the monks did not know what to do in regard to that, they reported to the Blessed One what had occurred, and the Blessed One said: "Monks, since what the weaver says is true, you must accept cloth!" But the monks called for fine cloth, and the weaver said: "Noble Ones, I was to give him coarse." And the Blessed One said: "Since that monk is dead, you must accept what is given!"

VI (= xviii)

The setting was Śrāvastī. A monk gave money to a cloth merchant and said: "You must give me cloth." But when that monk died, the monks summoned the cloth

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8. Derge, Peking: *bcom ldan 'das kyis dge slong rnams la bka' stsal pa tha ga pa smra ba ni bden gyis* [Peking: *gyi*] *ras su long shig ces bka' stsal pa dang*. 9. Derge: *de la*. 10. Derge, Peking: *ji*. 11. Derge, Peking: *shig*. {127}

1. Derge: *kār shā pa ṇa*. 2. Peking: *bzang*. 3. Peking: *cas*. 4. Tog: omits *de la* but has it in the similar statement below. 5. Derge, Peking: *shig*. 6. Derge, Peking: *bkug nas* instead of *bkug pa dang*. 7. Peking: omits *rnams*. 8. Derge, Peking: *shig*.

> merchant and said: "Sir, the monk named so-and-so gave you the price of the cloth and you must return it!" But the cloth merchant said: "Noble One, cloth was to be given to him"; and the monks did not know what to do in regard to that.
>
> When the monks had reported to the Blessed One what had occurred, the Blessed One said: "Monks, since what the cloth merchant says is true, you must accept cloth!" But the monks called for fine cloth, and the cloth merchant said: "Noble One, I was to give him coarse." And the Blessed One said: "In that that monk is dead, what sort is given, so you must accept!" [128]

There is a good deal that is by now not new in these two little texts, the last two in our continuous sequence from the *Uttaragrantha*. The Community or corporation (*saṅgha*) is again noticeable only by its absence; it has no role in the actions undertaken, nor in the resultant ruling. The text is dealing with the estate of an individual monk who had entered into a private transaction with another private individual, and a claim lodged by a group of individual monks. It is by now hopefully clear that for our *vinayadhara* "a group of individual monks" does not constitute a or the *Saṅgha*. Which monks are included in the group is here not explicitly stated, although context and the texts seen previously allow, or even require, the assumption that "the monks" referred to are the monks who will participate in the division of the estate—in effect the dead monk's heirs—and a large number of Guṇaprabha's canonical texts are taken up with determining who and in what circumstances these monks will be (ii–viii, xi–xiii, xx, etc.). There is, moreover, no reference in our last two texts to the monks' having already divided the estate, almost certainly because, as is clear from still other texts (vii, ix), procedure required that the content of the estate should be determined and gathered before any division takes place, and the monks in our two texts are engaged in that necessary preliminary.

In these two texts we also have, as in several earlier instances, monks interacting with merchants and tradesmen. There is another cloth merchant and also a weaver—*tha ga pa / ba* is an attested equivalent of *tantuvāya*—and, in regard to the latter, specific reference to "wages" (*rngan* = *bhṛtikā*). The *Mūlasarvāstivāda-vinaya* has a wealth of material on wage labor, but it has yet to be studied. And if there were any lingering doubts about whether our monks were thought to enter directly into financial transactions with tradesmen or to directly purchase goods from merchants, V and VI should put them at rest. Here we see monks themselves hiring weavers and themselves buying cloth. What is different here—especially from the tales of smiths and cobblers referred to above—is that in these two cases the monks actually paid in advance, and therein lay the problem.

What is new here is that in these last two cases the monks concerned did not die in debt. When they died, something in both cases was owed to them, and the

primary purpose of our two texts was, it seems, to determine what that was, and what the deceased's co-religionists had a right to expect, what, in short, they could or could not legitimately seek to recover. Notice that the monks' right to institute an action for recovery was not argued or ruled upon: it was simply assumed; but notice too that it is "the monks'" [129] right to institute the action, not the Community's. This, presumably, is based on the fact that because they will inherit and therefore will be obligated—within established limits—to pay the deceased's debts, they also have the rights to anything that was owed to him. Although none of this is here explicitly stated, the assumption that the right of recovery inhered in "the monks" is at least narratively asserted to have been held by both monks and merchants: neither the weaver nor the cloth merchant challenge the monks' right to make their claim. The challenge of both is only to its terms, and here we strike an element that, while not necessarily new, is certainly far more pronounced in our last two texts.

It is something of a truism in the history of law that one of the earliest—if not indeed *the* earliest—forms of contract was debt. It is, moreover, notoriously difficult in a number of contexts to clearly separate a law of debt from contract law. That, starting with IV but more certainly with V and VI, we have moved almost imperceptibly from the former to the latter should not, then, be an undue surprise. The dispute in both V and VI—if we may call it such—is not about the rights of the monks to make a claim for recovery. That, as we have seen, is conceded. The dispute and the Buddha's ruling are about the terms, about, in other words, the terms or provisions of what would have to be called the contract. Although neither text uses a term for "contract"—and this may have some chronological significance—both carefully state the intended nature of the transaction that the dead monk had entered into: V explicitly states the purpose for which the deceased had transferred his property to the weaver—"for the purpose of having cloth woven"; in VI the deceased himself declares the merchant's obligation—"You must give me cloth." The acceptance of thread and money on the part of the weaver and the merchant—which is a narrative fact—would have signaled their acceptance of the terms of the contract, and their understanding of those terms is made explicit in response to the action of the monks. They, the Buddha, and the dead monk are all presented as understanding that the contract or agreement called for cloth.

Given the careful presentation of the "facts" by our *vinayadhara*, it is impossible not to see the action of the monks as the issue, although that action can be described in more than one way. It could be said that the monks were attempting to recover something other than what was specified in the contract; it could also be said that they were in effect seeking to abrogate or annul the contract. However phrased, this is what the Buddha is asked to adjudicate, and his ruling is un-

mistakably that either or both are at fault. He—like the weaver and the merchant—does not question the monks' right of recovery, but he—again like the weaver and the merchant—in effect insists [130] that that right only operates within, and is constrained by, the terms of the dead monk's agreement. What had been instituted and agreed to by the monk while alive cannot be altered by either party—notice that merchant and weaver do nothing else than insist on the original terms. The Buddha's original ruling, then, does no more nor no less than insist that his monks abide by the terms of the contract that their now deceased fellow monk had entered into with both weaver and merchant. He insists, in other words, on the rule of law, in this case the accepted law of contract, and by doing so he makes this accepted law of contract a specific element of Buddhist monastic law.[77]

The second ruling of the Buddha in both V and VI seems to be directed toward the question of witness, although no such term is used. As the case is developed the dispute comes down to the narrative fact that although both parties now agree that by terms of the original contract "cloth" was to be delivered, and the monks, in compliance with the Buddha's first ruling, are seeking only to recover that, there is a disagreement as to the quality of that cloth. In the first ruling the Buddha had declared that what the merchant said was true and the monks must act accordingly. In his second ruling, however, the Buddha does not explicitly say this, and the implications seem to be that although the existence of a contract, and the broad content of it, can both be determined in the absence of one party—the now dead monk—a determination of its finer terms must depend on, and be conceded to, its surviving witness, that is to say, the merchant. Once again, it seems, the Buddha's ruling does not necessarily favor the monks but would seem rather to accommodate the authority of lay claims and to insist once more that his monks play according to lay rules. This apparent emphasis on accommodation—whether rhetorical or real—brings us to the last text from the *Uttaragrantha* that we can look at here.

What has so far been presented here will probably suggest an unexpectedly sophisticated and developed Buddhist monastic law of debt and contract. But it is good to keep in mind that what we have seen is really only a small part—a distinct subset—of a much larger corpus of Mūlasarvāstivādin *Vinaya* texts that articulate an equally sophisticated monastic law of inheritance. When we are confronted with this substantial corpus, certain questions seem unavoidable, but the chief of these would seem to be quite simply, how did all of this happen, how did what was supposed to have been little more than groups of celibate men without possessions, social ties, or fixed addresses get tangled up with property law and [131] laws of inheritance, with *dharmaśāstra* and *kārṣāpaṇas* and commercial deals? Any answer will undoubtedly be a long time coming and complicated and may end in seeing that in fact these groups were so entangled from the start. But mod-

ern historians themselves might start with a clear awareness that they are not the first to have tried to offer some kind of answer to a part of the question—our *vinaya-dharas* had already done so in our final text.

Our final text is actually the first to occur in the *Uttaragrantha*—it occurs almost 70 folios before the sequence of texts dealing with private debts of individual monks, and more than 160 folios before the text on corporate or Community debt. There are, moreover, good reasons for thinking that it was intended as, or at least taken to be, the Mūlasarvāstivādin "origin tale" for monastic inheritance law, the textual source, in other words, for how all of this came to be. Perhaps the best evidence that this was so is that our final text was the first of the canonical sources that is given by Bu ston for Guṇaprabha's *sūtras* on inheritance—it *(I)* stands at the head of, and was by implication the foundation for, all the rest. This foundational character of I is also suggested, as we will see, by its contents. It gives a series of initial solutions—none of which worked—to the problem of what to do with the property that a deceased monk left behind, and it is presented as if it were the first of the Buddha's rulings to do so. It begins with a "period" during which a very different approach was taken to the issue, a "period" before which, it seems, the Buddha had made any ruling on the matter.

I (= i)

Tog Na 121b.2–122b.5 = Derge Pa 85a.3–86a.2 = Peking Phe 82b.5–83b.2

sangs rgyas bcom ldan 'das mnyan du yod pa na dze ta'i[1] *tshal mgon med zas sbyin gyi kun dga' ra ba na bzhugs so /*

mnyan du yod pa na khyim bdag gzhan zhig 'dug pa des / rigs mnyam pa las chung ma zhig blangs nas / de de dang lhan cig[2] *tu rtse dga' zhing*[3] *yongs su spyod do / de rtse dga' zhing yongs su spyad pa las / de'i chung ma sems can dang ldan par gyur te / de zla ba brgyad dam dgu lon pa dang bu pho zhig btsas te / de zhag bdun gsum nyi shu*[4] *gcig gi bar du btsas pa'i btsas ston chen po*[5] *rgya cher byas nas / rigs dang mthun*[6] *par ming btags*[7] *so /*

de dus phyi[8] *zhig na bcom ldan 'das kyi bstan pa la rab tu byung nas / de yang dus phyi zhig na nad kyis btab ste dus 'das pa*[9] *dang / dge slong dag gis de lhung bzed dang chos gos dang bcas te dur khrod du bor ba bram ze dang khyim bdag lam der byung ste*[10]*/ dong ba de dag gis mthong nas / de dag gcig la gcig gtam du 'dzer cing 'dong ste / kye bdag cag khyim pa khyim na gnas pas thabs*[11] *rnam pa du mas nor rdzas dag bsgrubs kyang snod spyad dang gos dag ni mi 'dor na / dge sbyong shā kya'i bu 'di dag ni sgo'i them*[12] [132] *pa brgya rgal zhing dka' bzhin du lto 'gengs shing bsod snyoms bsgrub*[13] *na / ci'i phyir lhung bzed dang chos gos 'dor zhes smra ba na / dge slong dag kyang de'i mdun nas*

1. Peking: *'dze ta'i*. 2. Peking: *gcig*. 3. Derge, Peking: omit *zhing*. 4. Derge, Peking: add *rtsa*. 5. Peking: omits *chen po*, but this looks like a "correction." 6. Peking: *'thun*. 7. Peking: *gtags*. 8. Peking: *phyis*. 9. Derge, Peking: *dus las 'das pa*. 10. Derge, Peking: *pa* instead of *ste*. 11. Peking: *thams cad* instead of *thabs*. 12. Peking: *tham*. 13. Derge, Peking: *sgrub*.

tshur 'ongs pa dang / de dag gis de dag la smras pa / 'phags pa bdag cag khyim pa khyim na gnas te / thabs rnam pa du mas nor rdzas bsgrubs kyang snod spyad dang gos mi 'dor na / khyed cag sgo'i them pa brgya rgal zhing dka' bzhin du[14] *lto 'gengs*[15] *pa'i bsod snyoms bsgrubs te / lhung bzed dang chos gos 'di ga las 'ong na de ci'i phyir khyed kyis dge slong 'di'i lhung bzed dang chos gos su bcas te dur khrod du bor zhes smras pa dang / de dag gis bcom ldan 'das kyis ma gnang ngo zhes smras pa dang / de dag cang mi zer bar dong ngo /*

de ltar gyur ba dge slong dag la smras pa dang / dge slong dag gis / bcom ldan 'das la gsol to /

bcom ldan 'das kyis bka' stsal pa / lhung bzed dang chos gos su bcas te ma dor cig/

bcom ldan 'das kyis lhung bzed dang chos gos su bcas te ma dor cig ces gsungs[16] *pa dang / dge slong dag*[17] *gis gcer bur bor nas / bcom ldan 'das kyis bka' stsal pa / gcer bur ma dor bar smad g-yogs dang rdul gzan*[18] *gyis bkris*[19] *te bor cig /*

de nas dge slong dag gis gos bzang po dang bor nas / bcom ldan 'das kyis bzang po dang ma dor cig ces bka' stsal pa dang / de dag gis ngan pa dang bor ro /

bcom ldan 'das kyis ngan pa dang[20] *yang ma dor bar 'bring po dang bor cig ces bka' stsal to /*

bcom ldan 'das kyis lhung bzed dang chos gos su bcas te ma dor cig ces bka' stsal pa dang[21] */ dge slong dag gis ji ltar bya ba mi shes nas / bcom ldan 'das kyis dge slong gang 'phongs ba de la byin cig ces bka' stsal to /*

drug sde dag rtag tu 'phongs pa ltar byed[22] *nas / bcom ldan 'das kyis drug sde dag la ma sbyin par / ji ltar rgan rims bzhin du byin cig ces bka' stsal pa dang / gsar bu dag ma thob par gyur nas / bcom ldan 'das kyis dris pa la lan 'debs pa'i dge slong gis dge 'dun la bsgo la / dge slong gi dge 'dun thams cad 'dus shing 'khod pa dang / gtsug lag khang skyong gis dge 'dun gyi nang du rin thang bskyed par byos shig ces bka' stsal to //*

The Buddha, the Blessed One, was staying in Śrāvastī, in the Jetavana, in the Park of Anāthapiṇḍada.

When a householder living in Śrāvastī had taken a wife from a suitable family, he enjoyed himself and made love with her. From that enjoyment and lovemaking, his wife became pregnant, and, eight or nine months passing, she gave birth to a male child. When, during three times seven, or twenty-one, days, the birth festival for the newborn had been performed in detail, he was given a name that was in conformity with the family.

When at a later time the son had entered the religious life in the Order of the Blessed One, and still later had been struck with illness and had died, the monks had thrown him, together with his bowl and robes, into the burning ground. When brahmins and householders coming out and going along the road saw him, they talked among themselves as they went: "Hah! When we laymen

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14. Peking: omits *du*. 15. Peking: *'grengs*. 16. Peking: *bsungs*. 17. Peking: omits *dag*. 18. Peking: has either *bran* or *zan* as the second member of the compound—it is difficult to read. 19. Derge: *dkris*; Peking: *dgris*. 20. Derge, Peking: omit *dang*. 21. Peking: omits *dang*. 22. Peking: *byas*.

living in a house do not throw away vessels and garments [133] even though we can acquire money and goods in all sorts of ways, how is it that these Buddhist ascetics, when they cross a hundred thresholds and still with difficulty fill their bellies and get alms, throw away bowls and robes?" While they were saying this, monks too were returning from there, and the laymen said to them: "Noble Ones, when we laymen living in a house do not throw away vessels and garments even though we can acquire money and goods in all sorts of ways, and when you, crossing a hundred thresholds still get alms that fill your bellies with difficulty, where did these bowl and robes come from, and how is it that you have thrown that body[78] into the burning ground together with this monk's bowl and robes?" But the monks said: "The Blessed One has not authorized it otherwise," and they left without saying more.

The monks told the other monks what had occurred, and those monks reported it to the Blessed One.

The Blessed One said: "He must not be thrown out together with his bowl and robes!"

When the Blessed One had said "He must not be thrown out together with his bowl and robes," and the monks threw the corpse out naked, the Blessed One said: "It must not be thrown out naked. Rather, when you have wrapped it in an undergarment and a sweat cloth, it must be thrown out!"

Then when the monks threw it out with expensive cloth, the Blessed One said: "It must not be thrown out with the expensive!" and the monks threw it out with the cheap.

The Blessed One said: "It must also not be thrown out with the cheap, but it must be thrown out with the run-of-the-mill!"

When the Blessed One said: "He must not be thrown out together with his bowl and robes," and the monks did not know what should be done with them, the Blessed One said: "They must be given to that monk who is poor!"

When the Group of Six constantly acted as if they were poor, the Blessed One said: "They must not be given to the Group of Six, but they should be given according to seniority." But when the junior monks did not get any, the Blessed One said: "The Monk-Who-Answers-Questions[79] must summon the Community, and when the whole Community of Monks is assembled and seated, the Guardian-of-the-Monastery[80] must auction[81] them in the midst of the assembly!"

The narrative logic of our final text—the first to actually occur in the *Uttaragrantha*—is not difficult to discern if we move from the end backward. A monk's estate is sold at auction in the midst of the Community by a monastic officer to ensure an otherwise unachievable equitable distribution. (Though not explicitly stated, it is virtually certain from other references to monastic sales, like that of the valuable woolen blanket already cited, that this sale would be followed by the division among the monks of the proceeds). Some form of distribution was required

because the Buddha himself had ruled that the monks could not simply throw a dead monk's property away, and it did not by implication belong to the Community either. It could not be thrown away because to do so would invite and had produced lay criticism—that criticism, which is expressed in one long sentence that is not easily turned into felicitous English, comes down to this: monks who would do so are even [134] by lay standards profligate and wasteful; and monks who could afford to do so were not what they made themselves out to be. Ergo, monks kept the estates of their deceased brethren and disposed of them responsibly to accommodate lay standards and expectations! It is a nice argument and one by which the monks win both ways: they get to keep the goods *and* what the *vinayadhara* seemed to think was their good reputation. But others might see here some loss.

The actions of the monks in our text in regard to the estate of the dead monk, prior to the Buddha's ruling, appear to be fully consonant with ascetic ideals and a life of voluntary poverty—they simply left his property with his corpse in the cemetery. It is the intervention of the Buddha and the force and consequences of his ruling that move his monks away from what might have been thought was his own ideal and, in effect, involve them with the whole issue of inheritance law and sales by auction: once the estate was kept, something had to be done with it. This movement—if movement it was—is presented by the text itself as entirely the result of lay reaction to narratively prior practice: the monks themselves did not want or seek to retain the estate; lay criticism forced it on them. This quite clearly is the subtext of the tale, and because this tale was apparently understood to stand as the foundation for all the rest of Mūlasarvāstivādin inheritance law, it would appear to represent that tradition's understanding of how, in our words, all this came to be. The charge—if there was to be a charge—was laid firmly at the feet of laymen. The Buddha did not innovate but only reacted to lay pressure; the monks did not assert their own individual or institutional interests but only accommodated lay values. The question that remains here—and it is a historical one—is, of course, whether and in what sense any of this is true. Does the traditional explanation identify an actual historical mechanism that operated in the development of Buddhist monastic orders, or is it just a tale told by monks to other monks to explain why things are as they are, an explanatory trope they used to cover their tracks? Although I am not at all sanguine that this question can ever be fully or satisfactorily answered, an attempt might at least flush out some useful observations.

There are several discomforting things about our origin tale, but the first must be that the laymen in our text criticize Buddhist monks for doing what elsewhere in our *Vinaya* laymen themselves do or are said to do. The laymen in our text say not once, but twice, that they "do not throw away vessels and garments," and, given

the context, this would seem to refer to their funereal practices. But—to cite only one very clear example—the *Vinayavibhaṅga* has a text that says that laymen did the very thing they criticize monks for doing. The *Vibhaṅga* text concerns a monk with [135] the unsavory name of Mahākāla. He is described as "one who obtained everything from the burning ground" (*thams cad dur khrod pa dang ldan pa yin te*)—his bowl, robe, alms, etc. The text then goes on to explain what this means:

> What is an alms bowl from the burning ground? It is like this—his relatives throw away in the burning ground the pot of one who has died and passed away (*nye du dag gis shi zhing dus la bab pa'i rdze'u dur khrod du 'dor bar byed pa*). Then the Venerable Mahākāla, squaring the pieces and having heated them, takes possession of it as an alms bowl and keeps it. Just so is an alms bowl from the burning ground.
>
> And what is a robe from the burning ground? It is like this—his relatives throw away in the burning ground the garments of one who has died and passed away (*nye du dag gis shi zhing dus la bab pa'i gos dag dur khrod du 'dor bar byed pa*). Then the Venerable Mahākāla washes and stitches them, and having altered them, he takes possession of them as a robe, etc.[82]

Apart from noting it, it is hard to know what to do with this discrepancy. Our text has laymen saying that they do not throw away vessels and garments, and the verb here is *'dor ba*. But the *Vibhaṅga* represents them as routinely doing just that, at least in their funereal practice, and the verb here too is *'dor ba*. In light of the *Vibhaṅga* passage, the practice of Buddhist monks prior to the Buddha's ruling in the *Uttaragrantha* would have to be seen as conforming almost exactly to lay practice and, therefore, hardly open to the kind of criticism it receives. Given that there are a significant number of other passages elsewhere in this *Vinaya* referring to a variety of goods deposited in burning grounds—indeed the *śmāśānika*, a distinct category of monks, would seem to presuppose this—a Mūlasarvāstivādin monk who knew his *Vinaya* might be legitimately puzzled by the explanation offered in our text for how monks came to be required to retain the estates of a deceased member of their Community. That same monk, moreover, would almost certainly have noticed something else as well.

A Mūlasarvāstivādin monk who knew his *Vinaya* would almost certainly have noticed that the text in the *Uttaragrantha* that explained the origin of Mūlasarvāstivādin inheritance law was remarkably similar to another text about another dead monk and the problems that what he left behind had created. This other text—found in the *Kṣudrakavastu*—is one of two that explain the origin of Mūlasarvāstivādin monastic funerals. The *Kṣudrakavastu* text is now easily available[83] and can therefore be only briefly summarized here. A householder in Śrāvastī took a wife from a suitable family and lay with her, and as a consequence a son

was born. The birth festival was held, and the son was named. Later the son entered the Buddhist Order but got sick and died. Up to this point, of course, the text in the *Kṣudraka* tells the same story, using much the same language, as our *Uttara* text. And the similarity continues. The former then says: "The [136] monks left him (i.e., his body), together with his bowl and robes, near a road (*de dge slong dag gis lhung bzed dang bcas / chos gos dang bcas par lam dang nye ba zhig tu bor ro /*)." Then brahmins and householders came along, saw the body discarded along the road, and scoffed at Buddhist monks and their practices. The Buddha, when told of this, then gave a detailed set of rulings governing a monk's funeral, indicating that the body must be properly and ritually treated and that ideas of death pollution must be accommodated.

Both texts are obviously built up on the same narrative armature, and in both, it seems, the Buddha's ruling moves monastic practice away from what might have been thought to be something like Buddhist doctrine. Once again the monks' behavior prior to the ruling—the casual discarding of the body, the absence of ritual, and the lack of concern for social and religious norms, especially in regard to pollution—would seem to have been far more consonant with formal Buddhist notions of "person" and body. But once again they are not allowed to stand. Once again too this movement away from Buddhist ideal and toward social convention is caused or motivated by, and explained as a reaction to, social criticism. In other words, our monk might well begin to detect an explanatory pattern. If he knew both accounts he might, moreover, not just have noticed the pattern but even have concluded that the ruling governing funerals must have preceded the ruling governing inheritance, at least in narrative time, because the monks in the *Kṣudraka* were still disposing of the bowl and robes together with the body, and this, narratively, had not yet become an issue and had not yet been ruled against by the Buddha.

The criticism spoken by the brahmins and householders in the *Kṣudraka* is also particularly interesting. When they see the discarded body, their conversation goes like this:

> One said: "Hey look, a Buddhist monk has died." Others said: "Come here! Look at this!" When they looked, they recognized the dead monk and said: "This is the son of the householder so-and-so. This is the sort of thing that happens when someone joins the Order of those lordless Buddhist ascetics. Had he not joined their Order, his kinsmen would certainly have performed funeral ceremonies for him!"

And this too would have looked familiar to our Mūlasarvāstivādin monk. If he had known his *Bhaiṣajyavastu*, he would have encountered something like it at least

twice—once, for example, in a story about a young monk named Svāti who was bitten by a snake and went unattended. The text says that Svāti "fainted from the poison, fell to the ground, foamed at the mouth, and his face was contorted and his eyes rolled." Then:

> *sa tathā vihvalo brāhmaṇagṛhapatibhir dṛṣṭaḥ | te kathayanti | bhavantaḥ katarasyāyaṃ gṛhapateḥ putra iti | aparaiḥ samākhyātam | amukasya iti | te kathayanti |* [137] *anāthānāṃ śramaṇaśākyaputrīyāṇāṃ madhye pravrajitaḥ | yadi na pravrajito 'bhaviṣyat jñātibhir asya cikitsā kāritā abhaviṣyad iti |*
>
> Brahmins and householders saw him afflicted in that way. They said: "Of which householder, Sirs, is this the son?" Others reported: "Of so-and-so." They said: "He entered into the religious life in the midst of those lordless Buddhist ascetics—if he had not entered the religious life, his kinsmen would certainly have had him medically treated!"[84]

Almost exactly the same conversation among brahmins and householders is also reported to have occurred in the *Bhaiṣajyavastu*, when they saw another Buddhist monk named Saikata wandering around insane.[85] The first of these conversations motivated the Buddha to rule that, under a doctor's orders, his monks could take "foul foods" (*vikṛta-bhojana*) and to provide them with a charm against snake bite (the *Māyūrī-vidyā*); the second led him to rule that his monks could—again under the orders of a doctor—take "raw flesh." Though less obviously, perhaps, both of these new rulings also go toward weakening the already lukewarm ascetic ideal found in the *Mūlasarvāstivāda-vinaya*. There is reference in the Mūlasarvāstivādin ordination formulary to the candidate, when a monk, relying for "medicines" on "medicinal decoctions" (*pūtimukta*) only, and although this sole reliance is already weakened in the formulary itself by a long list of "extra allowances" (*atireka*), the two rulings just cited go a long ways beyond even them.

What our Mūlasarvāstivādin monk might have made of all of this is, of course, hard to determine, but one thing at least is fairly certain, and this itself is of some importance to the historian: Mūlasarvāstivādin monks were repeatedly told by their own *Vinaya* that not just the rules governing monastic inheritance, but a whole range of practices required of them that departed from ascetic ideals and the idea of voluntary poverty, were instituted in direct response to lay criticism.[86] Whether such monks believed this or not may not be as important as the fact that their *vinayadharas* felt compelled, apparently, to repeat it. That their *vinayadharas* did so in a stereotypical way, using the same conventional trope over and over again, makes it at least doubtful that this narrative "explanation" can tell us anything certain about actual historical processes. Indeed there are good reasons for suspecting that "brahmins and householders" in India might well have been entirely indifferent to what

Buddhist monks did or did not do—it is, after all, only Buddhist literature that says otherwise, and it is perhaps painfully obvious that Buddhist monks were of absolutely no concern or importance for the authors of Indian *dharmaśāstra*: they have no place in this old, large, and continuous normative literature.[87] What we see in our *Vinaya*, then, can it seems at best tell us only about one important group of monks and how they chose to represent their community and [138] its history to other monks. This may have been an influential group of monks—they wrote or compiled the texts and thereby made the rules—but if they were, this is the same group of monks who appear to have had some knowledge of *dharmaśāstra*, even if it had virtually no knowledge of them, and who appear to have been much concerned with representing their Community to their fellow monks as sensitive to and accommodating toward the norms and values of what they took to be their surrounding community. Knowing even this may prove, perhaps, to be of some value. [139]

Notes

1. P. Olivelle, *The Āśrama System. The History and Hermeneutics of a Religious Institution* (New York and Oxford: 1993) 51; C. Malamoud, *Cooking the World. Ritual and Thought in Ancient India*, trans. D. White (Delhi: 1996) 95 (for the original French version, see C. Malamoud, "La théologie de la dette dans le brahmanisme," *Puruṣārtha: Science sociales en asie du sud* 4 [1980] 39–62); see also M. Hara, "*Ānṛṇya*," in *Langue, style et structure dans le monde indien. Centenaire de Louis Renou*, éd. N. Balbir et al. (Paris: 1996) 235–261. The redactors of the *Mūlasarvāstivāda-vinaya*, the text we will be most directly concerned with here, clearly knew something of this brahmanical anthropology. For example, the father of a newborn son is repeatedly said in this *Vinaya* to declare to his wife, in a narrative cliché, *bhadre jāto 'smākam ṛṇaharo dhanaharaḥ*, which in spite of Edgerton (s.v. *ṛṇadhara*), and in light of far more occurrences than he knew and their Tibetan translations, must mean "My dear, (both) a remover of our debt (and) a taker of our wealth has been born to us" (see for occurrences of the cliché in Sanskrit, in addition to those cited from the *Divyāvadāna* by Edgerton: *Bhaiṣajyavastu*, GMs iii 1, 87.5; *Pravrajyāvastu*, GMs iii 4, 54.1; *Saṅghabhedavastu* (Gnoli) ii 32.22, 91.9; and the commentary on the cliché in the *Vinayavastuṭīkā*, Derge, bstan 'gyur, 'dul ba Tsu 284b.l—cf. E. H. Johnston, *The Buddhacarita* (Calcutta: 1935) IX.65: *naraḥ pitṝṇām anṛṇaḥ prajābhir . . .*). Edgerton's *ṛṇadhara*, by the way, is almost certainly a ghost form that should be disregarded.

2. The translation here is Olivelle's—*The Āśrama System*, 47.

3. R. W. Lariviere, *The Nāradasmṛti*, Pts. I–II (Philadelphia: 1989). The quotation is from Pt. II, ix. All references to *Nārada* are to this careful edition.

4. H. Chatterjee, *The Law of Debt in Ancient India* (Calcutta: 1971).

5. Chatterjee, *The Law of Debt*, 86, also cites this verse, but, because he was using another edition, as IV.9.

6. P. Olivelle, "Renouncer and Renunciation in the Dharmaśāstras," *Studies in Dharmaśāstra*, ed. R.W. Lariviere (Calcutta: 1984) 81–152; here 145.

7. Olivelle, "Renouncer and Renunciation in the Dharmaśāstras," 144 (for inheritance of a renouncer's property), 143 (for the quotation).

8. Even only desultory observation would seem to indicate that some Buddhist monks, although they sometimes claimed or invoked the status of "renouncer" (*pravrajita*), did not—by the testimony of their own rules—have that status. Olivelle ("Renouncer and Renunciation," 149) has said, for example, "His vow of poverty exempted the renouncer from both tolls and taxes"; but Mūlasarvāstivādin monks at least were both subject to and expected to pay such tolls—their *Vibhaṅga* has a section of more than twenty pages (Derge Ca 72b.6–84a.6) dealing with their obligations in regard especially to road taxes. Olivelle (ibid., 143) has also said, "After renunciation he [the renouncer] can no longer inherit any property"; but again the *Mūlasarvāstivāda-vinaya* has two separate texts dealing with a Mūlasarvāstivādin monk's continuing right to inherit family property *after* his ordination (see *Kṣudrakavastu*, Derge Tha 252b.3–254a.1; *Uttaragrantha*, Derge Pa 130a.4–131a.3—the first of these has been discussed in some detail in G. Schopen, "Monastic Law Meets the Real World: A Monk's Continuing Right to Inherit Family Property in Classical India," *HR* 35.2 (1995) 101–123 [= Ch. VI below]). Moreover, as will be seen below, Mūlasarvāstivādin monks are routinely presented as inheriting the estates of deceased fellow monks. A systematic study of issues of this sort would undoubtedly bear handsome fruit and might even point to inconsistencies on some of these questions in *dharmaśāstra* itself—see n. 42 below.

9. See, as an example, G. Schopen, "The Monastic Ownership of Servants or Slaves: Local and Legal Factors in the Redactional History of Two *Vinayas*," *JIABS 17.2* (1994) 145–173 [= Ch. VII below].

10. Chatterjee, *The Law of Debt*, xxv–xxvi.

11. Pāli *Vinaya* i 76.18. Even otherwise very careful scholars have said the same sort of thing—Olivelle, "Renouncer and Renunciation," 146 n. 121: "In Buddhism detailed rules were formulated regarding those disqualified from entering the *saṅgha*. Thieves, debtors and slaves were specifically barred from entry. Cf. *Mahā-vagga* 1.39–76"; Olivelle, *The Āśrama System*, 176: "Buddhist literature also indicates that 'being without debt' was a condition for becoming a monk. . . . One of the questions put to the candidate for ordination is 'Are you without debt?' A man with debts should not be allowed to become a monk (Vin I, 76). . . . One can understand the concern of the Buddhists; they did not want their monasteries to become havens for people trying to dodge debt collectors" (see also 195 n. 38); R. S. Sharma, "Usury in Early Mediaeval India (A.D. 400–1200)," *Comparative Studies in Society and History* 8 (1965–1966) 74: "The Buddhist Order did not admit a person who had not paid off his debts." There is what appears to be an occasional reference in brahmanical sources to freedom from debt as a prerequisite (?) to renouncing; see P. Olivelle, *Rules and Regulations of Brahmanical Asceticism: Yatidharmasamuccaya of Yādava Prakāśa* (Albany, N.Y.: 1995) 68, 235 (IV.19); *Manu* VI.94; etc.

12. See G. Schopen, "The Good Monk and His Money in a Buddhist Monasticism of 'the Mahāyāna Period,'" *The Eastern Buddhist*, n.s., 32.1 (2000) 85–105, esp. 88ff [=

Ch. I above, 3]. For the texts, see B. Jinananda, *Upasampadājñaptiḥ* (Patna: 1961) 15.5: (The candidate for ordination must be asked:) *mā te kasyaci[t] kiñcid deyam alpaṃ vā prabhūtam vā* [?] *yadi kathayati deyaṃ, vaktavyaṃ | śakṣyasi prabrajyāyaṃ dātuṃ* [/] *yadi kathayati na, vivaktavyam ata eva gaccha* [/] *yadi kathayati śakṣyāmīti, vaktavyaṃ*, etc. (i.e., the ordination can proceed); *Pravrajyāvastu* (Eimer) ii 142.13: *khyod la la la'i bu lon mang yang rung nyung yang rung | cung zad chags pa med dam | gal te bu lon chags so zhes zer na | khyod bsnyen par rdzogs nas 'jal nus sam zhes dri bar bya'o | gal te mi nus shes zer na | 'o na song shig ces brjod par bya'o | gal te bsnyen par rdzogs nas 'jal nus shes zer na*, etc.; Kalyāṇamitra, *Vinayavastuṭīkā*, Derge, bstan 'gyur, 'dul ba Tsu 250b.l: *khyod la la la'i bu lon mang yang rung nyung yang rung cud zad chags pa med dam zhes bya ba ni bu lon ni gzhal bar bya ba yin pas de'i phyir bu lon can rab tu dbyung ba dang rdzogs par bsnyen par mi bya'o | bu lon can thams cad rab tu dbyung ba dang rdzogs par bsnyen par mi bya ba yang ma yin te | 'di ltar gal te rdzogs par bsnyen nas 'jal nus so zhes zer na de rab tu dbyung ba dab* [Peking Dzu 283b.l has, correctly, *dang*] *rdzogs par bsnyen par bya'o |*. Notice that there is some difference in these sources in regard to when the candidate should be able to repay the loan: in the *Upasampadājñapti* it is after he has "gone forth," or entered the order (*pravrajyā*); in the *Pravrajyāvastu* it is after he has been fully ordained (*upasampanna*); in the commentary it is after both. The "*karmavākya*" from Gilgit says in A. C. Banerjee, *Two Buddhist Vinaya Texts in Sanskrit* (Calcutta: 1977) 63.4: *mā te kasyacit kiñcid deyam alpaṃ vā prabhūtaṃ vā śaknoṣi vā upasampadaṃ dātum*, but the manuscript (GBMs i 73.5) has: *mā te kasyacit ki[ṃ]cid deyam alpaṃ vā prabhūtaṃ vā śakṣyasi vā pravrajyā dātuṃ*. See also *Vinayasūtra* (Sankrityayana) 4.1; *Vinayasūtra* (Bapat and Gokhale) 20.26; *'Dul ba'i mdo*, Derge, bstan 'gyur, 'dul ba Wu 4a.4; *Svavyākhyāna*, Derge, bstan 'gyur, 'dul ba Zhu 20b.l; etc. The statement about repayment is not found in M. Schmidt, "Bhikṣuṇī-Karmavācanā. Die Handschrift Sansk. c.25(R) der Bodleian Library Oxford," in *Studien zur Indologie und Buddhismuskunde. Festgabe des Seminars für Indologie und Buddhismuskunde für Professor Dr. Heinz Bechert zum 60. Geburtstag am 26. Juni 1992*, ed. R. Grünendahl et al. (Bonn: 1993) 239–288, esp. 254.1.

13. G. Schopen, *Daijō bukkyō kōki jidai: Indo no sōin seikatsu*, trans. Odani Nobuchiyo (Tokyo: 2000) 70–146; Schopen, "Art, Beauty, and the Business of Running a Buddhist Monastery in Early Northwest India," Ch. II above.

14. Cf. H. Eimer, "Which Edition of the Kanjur Was Used by A la śa Lha btsun in Studying the Vinaya?" in H. Eimer, *Ein Jahrzehnt Studien zur Überlieferung des tibetischen Kanjur* (Vienna: 1992) 185–189, esp. 187 n. 7. Eimer says that "in the Derge and in the Urga edition . . . the *Vinayottaragrantha* and the *Vinayottamagrantha* are not distinctly separated," but they are so at least in the Taipei reprint of the Derge; see G. Schopen, "If You Can't Remember, How to Make it Up: Some Monastic Rules for Redacting Canonical Texts," in *Bauddhavidyāsudhākaraḥ* 580 n. 30 [= Ch. XIV below].

15. A. C. Banerjee, *Sarvāstivāda Literature* (Calcutta: 1957) 99.

16. G. Schopen, "Marking Time in Buddhist Monasteries: On Calendars, Clocks, and Some Liturgical Practices," in *Sūryacandrāya. Essays in Honour of Akira Yuyama on the Occasion of His 65th Birthday*, ed. P. Harrison and G. Schopen (Swisttal-Odendorf: 1998) 157–179, esp. 172ff [= Ch. IX below, 270ff].

17. *Cīvaravastu*, GMs iii 2, 119.15, 121.2. For the *Uttaragrantha* text, see the text marked "I" below (in the present chapter), and for the auction, especially n. 81.

18. See the references in n. 8 above; and Schopen, "Marking Time in Buddhist Monasteries," 172 n. 54 [below, p. 282n. 54].

19. G. Schopen, "Doing Business for the Lord: Lending on Interest and Written Loan Contracts in the *Mūlasarvāstivāda-vinaya*," *JAOS* 114 (1994) 527–554 [= Ch. III above] (for the text in the *Uttaragrantha*—which I did not know at the time I was writing this essay—see Derge Pa 265a.6–b.2). Guṇaprabha appears to have used the *Uttara* text, though he refers to his source as "The *Mātṛkā*" (pp. 543–544) [= Ch. III above, 66–68]. (For more on the monastic use of substitutes or surrogates, see below, pp. 143–145). Although the question needs much fuller study, what appears to be another example of the pattern is worth mentioning because it concerns the *gandhakuṭī*. *Śayanāsanavastu* (Gnoli) 10–12 has an important proof text that places the *gandhakuṭī* within the *vihāra*, but this placement is attested in the archaeological record only rather late (fourth–fifth centuries) and appears to be completely absent in Gandhāra. The *Uttara*, however, has a text that places *gandhakuṭīs* around the perimeters of *stūpas* (Derge Pa 119b.2: . . . *mchod rten la mtha' ma dri gtsang khang gis bskor la* . . .), and this may be precisely what we see at, for example, the Dharmarājikā at Taxila.

20. M. Hahn, "The Avadānaśataka and Its Affiliation," in *Proceedings of the XXXII International Congress for Asian and North African Studies. Hamburg 25th–30th August 1986*, ed. A. Wezler and E. Hammerschmidt (Stuttgart: 1992) 171.

21. For the texts in the *Uttaragrantha*, see Derge Pa 104b.6–108a.4 (= *Maitrakanyaka*); Derge Pa 115b.1–119a.6 (= *Śrīmatī-Avadāna*). M. Deeg ("The Saṅgha of Devadatta: Fiction and History of a Heresy in the Buddhist Tradition," *Journal of the International College for Advanced Buddhist Studies* 2 [1999] 183–218, esp. 198–199 and n. 86) says, referring to the *Śrīmatī* in the *Avadānaśataka*, "This episode . . . is not found anywhere else in Buddhist narrative literature," but the *Uttara* version requires that this be revised. J. L. Panglung, *Die Erzählstoffe des Mūlasarvāstivāda-vinaya. Analysiert auf Grund der Tibetischen Übersetzung* (Tokyo: 1981) has not included the *Uttara* in its survey and does not always give the parallels in the *Avadānaśataka* for stories found even elsewhere in the *Mūlasarvāstivāda-vinaya*; e.g., under what it calls "Die Bekehrung einer alten Frau" (p. 30), it does not indicate that this tale has a close parallel in *Avadānaśataka* no. 78, "Kacaṅgala." This is a particularly important parallel because the *vinaya* version is preserved in Sanskrit (*Bhaiṣajyavastu*, GMs iii 1, 20.3ff) and can therefore be directly compared with the Sanskrit text of the *Avadānaśataka*. The fourth *varga* of the *Avadānaśataka*, by the way, appears to be particularly dependent on the *Mūlasarvāstivāda-vinaya*—as many as half of the tales in the former may have come from the latter (nos. 31, 36, 37, 38, and 40).

22. This work has received little attention and has yet to be described in any detail. L.W.J. van der Kuijp ("The Yoke Is on the Reader: A Recent Study of Tibetan Jurisprudence," *CAJ* 43 [1999] 266–292, esp. 280 n. 29) has recently referred to it as a source for Buddhist *Vinaya* narrative literature bearing on legal matters, but it is also more than that. I myself have described it as "a condensed version of the entire *Mūlasarvāstivāda-vinaya*" and noted that "it follows the rearrangement of the canonical material effected by

Guṇaprabha in his *Vinayasūtra*" (Schopen, "Marking Time in Buddhist Monasteries," 178 n. 67 [= Ch. IX below, 284 n. 67]). But whereas in the *Vinayasūtra* we get only the rulings, and then too in sometimes incredibly compact *sūtra* form that renders any identification of source difficult, in Bu ston we get a more or less condensed version not only of the rulings but also of the narratives that generated them. These, of course, are much easier to recognize, though doing so requires a reasonably good knowledge of the canonical *Vinaya*. The commentaries on the *Vinayasūtra*—there are four by Indian authors—also occasionally cite something of the canonical narratives Guṇaprabha is drawing on, and a combination of these sources usually allows one to identify the texts in the canonical *Vinaya* he is digesting with at least some degree of certainty.

23. The references here are to the text of the *'Dul ba pha'i gleng 'bum chen mo* published in *The Collected Works of Bu-Ston*, Pt. 23 (Ḥa), ed. L. Chandra (New Delhi: 1971), and the numbers given are the original folio numbers.

24. On the order of the *vastus* in the *Mūlasarvāstivāda-vinaya*, see H. Hu-von Hinüber, "The 17 Titles of the *Vinaya-vastu* in the *Mahāvyutpatti*. Contributions to Indo-Tibetan Lexicography II," *Bauddhavidyāsudhākaraḥ*, 339–345.

25. No one, to my knowledge, has yet studied the thematic logic of Guṇaprabha's rearrangement of the canonical material. The study of the *Vinayasūtra* and its commentarial literature in general has moved at something less than even the usual snail's pace. Only recently, for example, have we begun to get some material for establishing better Sanskrit texts; see M. Nakagawa, "On the *Adattādāna-pārājikam* in the *Vinayasūtravṛtti*—Transcription Text on the *sūtras* no. 120–123—," *Indogaku bukkyōgaku kenkyū*, 48.2 [96] (2000) 1135–1133, and his other papers cited there in n. 1 (note, however, that this list is not complete).

26. Here it is worth noting that there appears to be at least one other attempt to systematize Buddhist monastic inheritance law that is much in need of study. S. Weinstein has said: "The importance of the question of the disposition of the property of deceased monks, technically known as *wang pi-ch'iu wu* . . . , can be seen from the fact that Tao-Hsüan, the *de facto* founder of the *Lü* (or *Vinaya*) school, wrote a work solely devoted to this subject (the *Liang-ch'u ch'ing-chung i* . . . in two fascicles . . .)" (*Buddhism under the T'ang* (Cambridge, U.K.: 1987) 183 n. 25; cf. 93–94). As far as I know, however, this work has been little more than mentioned in Western sources; e.g., J. Gernet, *Les aspects économiques du bouddhisme dans la société chinoise du v^e au x^e siècle* (Paris: 1956) 66 n. 2, 70 n. 2, etc.; J. Kieschnick, *The Eminent Monk. Buddhist Ideals in Medieval Chinese Hagiography* (Honolulu: 1997) 12 n. 43.

27. Capital roman numerals in the section heads below indicate the actual order of occurrence in the *Uttaragrantha* of the main texts presented here—the first text presented, for example, occurs in the *Uttara* at Tog Na 190b.3 and therefore after the last text presented in this chapter—i.e., text I, which occurs at Tog Na 121 b.2. This seemed a good way of highlighting the fact that in presenting texts we often rearrange them and produce a "system" that is entirely of our own making. Lowercase roman numerals in parentheses reflect the order or position of the texts treated here in Guṇaprabha's "system" and refer to the table on pp. 126–127.

28. So M. Monier-Williams, *A Sanskrit-English Dictionary* (Oxford: 1899) s.v. *kārṣāpaṇa*, though he cites only "Lexicographers"; for the *Mūlasarvāstivāda-vinaya* and related literature, see, for convenience, K. Upreti, *India as Reflected in the Divyāvadāna* (New Delhi: 1995) 40, 43, 44, 72–73, 96, 105, 130.

29. H. A. Jäschke, *A Tibetan-English Dictionary* (London: 1881)—hereafter cited simply as Jäschke.

30. Zhang Yisun et al., *Bod rgya tshig mdzod chen mo*, Vols. I–III (Peking: 1985)—hereafter cited by title only.

31. *Carmavastu*, GMs iii 4, 192.17: *mā yuṣmābhiḥ kiñcid uddhārīkṛtam* / . . . *nāsmābhiḥ kiñcid uddhārīkṛtaṃ* = Tog Ka 382b.4: *khyed kyis skyin po cung zad ma byas sam* / . . . *bdag cag gis skyin po cung zad kyang ma byas te* = *Divyāvadāna* 23.14.

32. See, for example, *Prātimokṣa* (Banerjee) 29.20 = Derge Ca 10a.6; *Saṅghabhedavastu* (Gnoli) ii 104.13 = Tog Nga 246a.1 and ii 106.22 = Tog Nga 247b.5; *Cīvaravastu*, GMs iii 2, 143.7 = Tog Ga 149a.5; *Carmavastu*, GMs iii 4, 192.13 = Tog Ka 382b.2; etc.

33. One might have thought that this would be covered by the 19th *Naisargika-pāyantikā* (*yaḥ punar bhikṣur nānāprakāraṃ rupika*-[ms.: *rūpika*]-*vyavahāraṃ samāpadyeta naisargikā pāyantikā*—*Prātimokṣa* [Banerjee] 29.18; GBMs i 44.2), but the treatment of this rule in the *Vibhaṅga* (Derge Cha 149b.7–155b.3) shows no sign of that. On the contrary, it is precisely under this rule that the *Vibhaṅga* authorizes monks to lend money on interest (see Schopen, "Doing Business for the Lord," 527–554 [= Ch. III above]). Moreover, the wording of this ruling is open to the same range of interpretations as is the 20th *Naisargika*, which is discussed in the text, pp. 142–143.

34. See G. Schopen, "On Avoiding Ghosts and Social Censure: Monastic Funerals in the *Mūlasarvāstivāda-vinaya*," *JIP* 20 (1992) 1–39 [= *BSBM* 204–237].

35. *Kṣudrakavastu*, Tog Ta 45a.6–46a.1 = Derge Tha 31a.5–b.4; *Carmavastu*, GMs iii 4, 210.6–.14 [though the Sanskrit text is here faulty] = Tog Ka 395b.6–396a.7 = Derge Ka 277a.6–b.5. See also *Kṣudrakavastu*, Tog Ta 306a.6–307a.5 = Derge Tha 204b.1–205a.3.

36. Chatterjee, *The Law of Debt in Ancient India*, 90–91. For *Gautama*, see now P. Olivelle, *Dharmasūtras. The Law Codes of Ancient India* (Oxford: 1999) 99—his 12.40: "Those who inherit the property of someone have to pay his debts." For the text and translation of *Yājñavalkya* and *Viṣṇu*, see, for convenience, B. N. Mani, *Laws of Dharmasastras* (New Delhi: 1989) 170.

37. Schopen, "Doing Business for the Lord," 537.

38. "Das *Prātimokṣasūtra* . . . ist nach übereinstimmender Ansicht der Forschung eines der ältesten Werke, wenn nicht das älteste Werk des buddhistischen Schrifttums überhaupt"; D. Schlingloff, "Zur Interpretation des Prātimokṣasūtra," *ZDMG* 113.3 (1964) 536.

39. For the Mūlasarvāstivādins see, for example, the 9th *Pāyantikā*, *Prātimokṣa* (Banerjee) 32.17. But note too that the occurrence alone of the term *sāṃghika* must of necessity imply the acknowledgment of other kinds of "monastic" property. For example, if all *vihāras* belonged to the Community, then the expression *sāṃghike vihāre*, "in a monastery belonging to the Community," is redundant and the specification pointless. The presence of *sāṃghika* makes no sense unless there were other kinds of *vihāras* that did not belong to the

Community. Although not yet fully studied, it is already clear that the Pāli *Vinaya* knows and takes for granted *vihāras* owned by lay-brothers (*upāsaka*—Pāli *Vinaya* ii 174.4, iii 65.38, 102.5). And there is no doubt that the *Mūlasarvāstivāda-vinaya* even more fully acknowledges the private ownership of monasteries by both laymen and monks (see G. Schopen, "The Lay Ownership of Monasteries and the Role of the Monk in Mūlasarvāstivādin Monasticism," *JIABS* 19.1 [1996] 81–126 [= Ch. VIII below], to which should be added at least two texts, one from the *Vibhaṅga* [Derge Cha 203a.4–205b.1] and one from the *Uttaragrantha* [Derge Pa 82b.1–84b.2], which deal with a dispute centered on a monastery that was the personal property of the Monk Rāhula). These considerations, moreover, would appear to place a significant restriction on a not insignificant number of *Prātimokṣa* rules. The 14th–18th *Pāyantikās*, for example, would appear to apply, by virtue of the qualification *sāṃghike vihāre* in them, *only* to Community-owned *vihāras*. In any other case the action described would not constitute an offense. I hope to return to these issues in the not too distant future.

40. Chatterjee, *The Law of Debt*, 101.

41. Olivelle, "Renouncer and Renunciation," 144–145—*dharmabhrātṛ* is another *dharmaśāstric* term found in the *Mūlasarvāstivāda-vinaya*. In the *Uttaragrantha* (Derge Pa 86a.2–.6), a nun claims the estate of a dead monk that was in her possession on the basis of the assertion that "he was also our brother in religion," *bdag cag gi yang chos kyi ming po lags so zhes smras pa*, and *chos kyi ming po* can hardly be anything other than a translation of *dharmabhrātṛ*. In a pendant to this text in which monks make a claim on a nun's estate, the assertion is "she was also our sister in religion," *de yang nged kyi chos kyi sring mo yin no* (Derge Pa 86a.6–b.4), and here the text must be translating something like the lesser-known *dharmabhaginī*. Both claims are rejected on the principle that what belonged to a member of one gender goes to others of that same gender, except when there are no others of that same gender present. All these texts are taken up by Guṇaprabha (ii–v in the table above, pp. 126–127).

42. There is as well another potential difficulty here in terms of *dharmaśāstra* itself. If, as *Yājñavalkya* says, the heirs of a renouncer (*yati*) are, in part even, his *dharmabhrātṛ*, his "spiritual brothers," then because his *dharmabhrātṛs* are also presumably renouncers, this would seem to indicate that renouncers can indeed inherit, and this would collide with Olivelle's assertion that "after renunciation he [the renouncer] can no longer inherit any property" ("Renouncer and Renunciation," 143).

43. Chatterjee, *The Law of Debt*, 122.

44. Ibid., 83; see also 84–87; *Nārada* I.6.

45. *Cīvaravastu*, GMs iii 2, 124.11–125.9. Although I cite the Sanskrit text here, it is by no means free of textual and/or lexical problems, the chief of which concern what Dutt reads as *pānīyaṃ* and *pātavyam* (nn. 2 and 3) but prints as *dānīyaṃ* and *dātavyam* (see GBMs vi 851.2–.6). These problems do not obscure the general sense, which is clear in the Tibetan (Derge Ga 104b.2–105a.1 = Tog Ga 136b.6–137a.7) and even in the *Vinayasūtra* (*Vinayasūtra* [Bapat and Gokhale] 47.2ff), but they need to be sorted out.

46. *Vinayavibhaṅga*, Derge Ca 79b.3ff: *chos gos gsum la 'chel ba*.

47. *Vinayasūtra* (Sankrityayana) 33.22—*'Dul ba'i mdo*, Derge, bstan 'gyur, 'dul ba Wu 27a.2.

48. On this title and office, see the unpublished dissertation, J. A. Silk, *The Origins and Early History of the Mahāratnakūṭa Tradition of Mahāyāna Buddhism with a Study of the Ratnarāśisūtra and Related Materials*, University of Michigan, 1994, 215ff.

49. See *Vinayasūtra* (Sankrityayana) 33.22: *nāpṛṣṭvā vṛddhām* ... = *'Dul ba'i mdo*, Derge, bstan 'gyur, 'dul ba Wu 27a.3: *rgan rabs rgan rabs dag la ma zhugs par*. . . .

50. Though limited for its textual sources to Pāli material, see M. Njammasch, "Der *navakammika* und seine Stellung in der Hierarchie der buddhistischen Klöster," *Altorientalische Forschungen* 1 (1974) 279–293; for the Mūlasarvāstivādin tradition, see at least *Vinayasūtra* (Sankrityayana) 112.16–31.

51. *Uttaragrantha*, Derge Pa 112b.1–113a.1; see also *Vinayavibhaṅga* Derge Ca 75b.5–76b.4.

52. Pāli *Vinaya* i 297.33–298.3; see also iv 286.3.

53. O. von Hinüber, *Entstehung und Aufbau der Jātaka-Sammlung. Studien zur Literatur des Theravāda-Buddhismus I* (Akademie der Wissenschaften und der Literatur, Mainz) (Stuttgart: 1998) 23–24; also L. Feer, "Études bouddhiques. Maitrakanyaka-Mittavindaka. La piété filiale," *JA* (1878) 388–392.

54. *Poṣadhavastu* (Hu-von Hinüber) 280–281; *Śayanāsanavastu* (Gnoli) 38.30, 47.18.

55. On lenders and lending institutions in early India, see, for example, L. Gopal, "Credit Laws in Ancient India," *Felicitation Volume (A Collection of Forty-two Indological Essays) Presented to Mahamahopadhyaya Dr. V. V. Mirashi*, ed. G. T. Deshpande et al. (Nagpur: 1965) 444–458; H. S. Singh, "Institutions of Money-lending," *Journal of the Ganganatha Jha Kendriya Sanskrit Vidyapeetha* 38–39 (1982–1983) 109–124; S. Gururajachar, "Banking Practices in India (Up to A.D. 1600)," *New Trends in Indian Art and Archaeology. S. R. Rao's 70th Birthday Felicitation Volume*, ed. B. U. Nayak and N. C. Ghosh (New Delhi: 1992) Vol. 2, 573–582.

56. As already noted in the apparatus to the Tibetan text (n. 3), a negative appears to have dropped out of the text. Although it occurs in neither Tog, Derge, nor Peking—nor even in Bu ston—both the context and the previous *ma byin par* in line 1 would seem to require it, and I have supplied it in translation.

57. L. Finot, "Le prātimokṣasūtra des sarvāstivādins," *JA* (1913) 498 (no. 20); *Prātimokṣa* (Banerjee) 29 (no. 20); *Prātimokṣasūtram of the Lokottaravādimahāsāṅghika School*, ed. N. Tatia (Patna: 1976) 16 (no. 19); *Pātimokkha*, ed. R. D. Vadekar (Poona: 1939) 9 (no. 20).

58. Schopen, "The Good Monk and His Money," 103 [Ch. I above, 14].

59. S. C. Vidyabhusana, "So-sor-thar-pa; or, a Code of Buddhist Monastic Laws: Being the Tibetan Version of Prātimokṣa of the Mūla-Sarvāstivāda School," *Journal of the Asiatic Society of Bengal*, n.s. 11 (1915) 99. Notice too that the "Old Commentary" embedded in its *Vibhaṅga* glosses *rnam pa sna tshogs* (*nānāprakāra*) with *rnam pa mang po* (Derge Cha 156.7), and in the previous rule the same term is glossed by *rnam pa du ma*. *Mang po* most commonly means "many," and *du ma* virtually the same; neither carries the sense "all."

60. Huber in Finot, "Le prātimokṣasūtra des sarvāstivādins," 498. Cf L. Wieger, *Bouddhisme chinois. Vinaya. Monachisme et discipline. Hinayana, véhicule inférieur* (Paris: 1910) 233: "Si un moine fait le commerce, en quelque marchandise que ce soit, il y a transgression"—Dharmaguptaka.

61. M. Wijayaratna, *Le moine bouddhiste selon les textes du theravāda* (Paris: 1983) 97; I. B. Horner, *The Book of the Discipline* (Sacred Books of the Buddhist 11) (Oxford: 1940) Pt. 2, 111; T. W. Rhys Davids and H. Oldenberg, *Vinaya Texts* (Sacred Books of the East 13) (Oxford: 1885) 27.

62. Schopen, "The Good Monk and His Money," 100ff [Ch. I above, 12–13].

63. Chatterjee, *The Law of Debt*, xvii, xx.

64. Pāli *Vinaya* iii 242.11; Horner, *The Book of the Discipline* ii 112—see also R. Gombrich, *Theravāda Buddhism. A Social History from Ancient Benares to Modern Colombo* (London and New York: 1988) 92–93, 102–103, 162–164.

65. *Uttaragrantha*, Derge Pa 134a.1–b.7 = Tog Na 192b.5–194a.4.

66. *Vinayavibhaṅga*, Derge Cha 156b.3.

67. The definition is from W. Doniger, *The Laws of Manu* (London: 1991) 316; see also R. Lingat, *The Classical Law of India*, trans. J. D. M. Derrett (Berkeley: 1973) 39–40.

68. Notice the qualification of lay-brothers both here and in the text just cited from the *Uttara*. Both indicate that a "trustworthy" lay-brother should be used, meaning, it seems, that not all lay-brothers were so. For yet another reference to the use of a "trustworthy" lay-brother, see the text treated in Schopen, "Doing Business for the Lord," 530 [Ch. III above, 49], where *dge bsnyen dad pa can* is incorrectly translated as "a devout lay-brother."

69. For the text, see *Vinayavibhaṅga*, Derge Cha 149b.1–.7. For another instance of the use of surrogates in the *Mūlasarvāstivāda-vinaya*, see p. 125 above, and notice the difference in this regard between the *Vibhaṅga* and the *Uttara* pointed out there.

70. For some indications of the same sort of thing even in the Pāli *Vinaya*, see Gombrich, *Theravāda Buddhism*, 103.

71. *Kṣudrakavastu*, Derge Tha 262b.4–263a.6 = Tog Ta 392b.2–393b.2.

72. See, for example, *Cīvaravastu*, GMs iii 2, 119.14 = Tog Ga 133b.6; GMs iii 2, 121.2 = Tog Ga 134b.6; GMs iii 2, 125.6 = Tog Ga 137a.5.

73. At first sight at least the Pāli version looks like a much condensed or "edited" version of the text found in the *Mūlasarvāstivāda-vinaya*, and there are other instances of what seems to be the same pattern, although the whole question has yet to be carefully studied.

74. Pāli *Vinaya* ii 174.18–.24; Rhys Davids and Oldenberg, *Vinaya Texts* iii 217; Horner, *The Book of the Discipline* v 245; M. Wijayaratna, *Buddhist Monastic Life. According to the Texts of the Theravāda Tradition*, trans. C. Grangier and S. Collins (Cambridge, U.K.: 1990) 81. The original (Wijayaratna, *Le moine bouddhiste*, 97) reads: ". . . furent autorisés à l'échanger contre un article plus utile."

75. Y. Ousaka, M. Yamazaki, and K. R. Norman, *Index to the Vinaya-Piṭaka* (Oxford: 1996) 472.

76. Horner, *The Book of the Discipline* iv 109.

77. For a good idea of what could fall under contract law in *dharmaśāstra*, see *Nārada* V, VI, VIII, and IX. The binding nature of the act of acceptance of a fee is startlingly clear, for example, in *Nārada* VI.20: *śulkaṃ gṛhītvā paṇyastrī necchantī dvis tad āvahet.*

78. As is characteristic of the prose of the *Mūlasarvāstivāda-vinaya*, in both Sanskrit and Tibetan, the text here and throughout can be both elliptical and heavily dependent on the use of pronouns. The text never uses a term for "body" or "corpse," but simply the

"demonstrative pronoun" *de*. I have as a consequence sometimes translated this by supplying what I take to be the referent, and sometimes simply by "it."

79. Our text makes *dris pa la lan 'debs pa'i dge slong* . . . look like a title or designation for yet another monastic office, and yet it can hardly be anything else than an attempt to render something like the common *pṛṣṭavācikayā bhikṣūn samanuyujya* (*Kaṭhinavastu* [Chang] 52.28), which is more typically rendered: *dris pa'i tshig gis dge slong rnams la yang dag par bsgo la* (Chang 80.13). The Sanskrit phrase itself, however, especially *pṛṣṭa-* or *pṛṣṭhavācika*, remains problematic (see Edgerton 353; *Poṣadhavastu* (Hu-von Hinüber) 212–214; H. Matsumura, "The Kaṭhinavastu from the Vinayavastu of the Mūlasarvāstivādins," in *Sanskrit-Texte aus dem buddhistischen Kanon: Neuentdeckungen und Neueditionen III* [Sanskrit-Wörterbuch der buddhistischen Texte aus den Turfan-Funden. Beiheft 6] [Göttingen: 1996] 193 n. 72). Given this, it might be useful to cite the two commentarial "definitions" that I have come across. Śīlapālita, *Āgamakṣudrakavyākhyāna*; Derge, bstan 'gyur, 'dul ba Dzu 22a.6: *dris pa'i tshig gis zhes bya ba ni ga ṇḍī brdungs ba na lam gyi phyogs na gnas pa'i dge slong gis ci'i phyir gaṇḍī brdungs ba sngon du song ba can gyi 'dus pa mdzad ces dris ba gang yin pa de la / dris nas lan du brjod pa de ni dris pa'i tshig yin no /*, which—*if* I have understood it correctly—might be translated as: "'With the pronouncement of what is asked' means: when the monk stationed to the side of the path when the *gaṇḍī* is struck is asked the question 'for what reason is an assembly preceded by striking the *gaṇḍī* called?' and he gives the answer—that is the pronouncement of what is asked." Vinītadeva, *Vinayavibhaṅgapadavyākhyāna*, Derge, bstan 'gyur, 'dul ba Tshu 91b.4: *dris pa'i tshig gis zhes bya ba ni ci'i phyir gaṇḍī brdungs zhes gzhan gyis dris pa la 'di'i phyir brdungs so zhes lan gdab pa'i tshig gis so /*: "'With the pronouncement of what is asked' means: with the pronouncement of the answer "it has been struck for this reason" when someone asks 'for what reason has the *gaṇḍī* been struck?'"

80. *gtsug lag khang skyong (ba)* can hardly be anything but a translation of something like *vihārapāla*—*gtsug lag khang* is the standard translation of *vihāra*, and *skyong ba* commonly renders forms of √*pāl*. This office is referred to elsewhere in the *Uttara* as well, at Derge Pa 72a.1 (where the *vihārapāla* is one of two officers—the other is the *saṃghasthavira*—charged with keeping track of the date; see Schopen, "Marking Time in Buddhist Monasteries," 173,175 [Ch. IX below, 271, 272]), 151a.5 (which would seem to indicate that it was a rotating office: *tshe dang ldan pa kun dga' bo la gtsug lag khang skyong gi res bab bo /*), 200b.5ff, etc. Yijing says, "Those who stand guard, administer the monastery gates, and announce the business to the community meeting are called *vihārapāla*" (Silk, *The Origins and Early History of the Mahāratnakūṭa*, 235). What is probably the same title occurs in the form *gtsug lag khang dag yongs su skyong bar byed ba* in the *Kṣudraka* (see, Schopen, "The Lay Ownership of Monasteries," 110 n. 60 [Ch. VIII below, n. 60]).

81. *rin thang bskyed pa* as a unit does not yet have an attested equivalent, but *rin thang* is given as an equivalent of *argha* and *mūlya* in the *Tibetan-Sanskrit Dictionary* (2264), and *bskyed pa* is given for *vardhana* (207). The Tibetan, then, is not far from one of the definitions that Monier-Williams (*English-Sanskrit Dictionary* 32) gives—on what authority I do not know—of the English word "auction": *varddhamānamūlyena nānādravyavikrayaḥ*. The *Uttaragrantha* has detailed rules governing this kind of sale, which include one against

monks artificially inflating the bid (Derge Pa 177b.2). But a discussion of these and other references to monastic auctions must wait for another time. Note, for the moment, only that other Buddhist monastic traditions also appear to have known such sales—see G. Roth, *Bhikṣuṇī-vinaya. Manual of Discipline for Buddhist Nuns* (Patna: 1970) 182.13 = É. Nolot, *Règles de discipline des nonnes bouddhistes* (Paris: 1991) 184.18.

82. *Vinayavibhaṅga*, Derge Ja 154b.2–156b.7.

83. Schopen, "On Avoiding Ghosts and Social Censure," 14–17 [= *BSBM* 215–218].

84. *Bhaiṣajyavastu*, GMs iii 1, 285.17.

85. *Bhaiṣajyavastu*, GMs iii 1, ix—the passage here has been in large part reconstructed by Dutt.

86. Though the story line differed, the same "explanation" was also given to justify, for example, monastic control of important relics; see G. Schopen, "Ritual Rights and Bones of Contention: More on Monastic Funerals and Relics in the *Mūlasarvāstivāda-vinaya*," *JIP* 22 (1994) 31–80, esp. 52 [= Ch. X below, 302–303].

87. It has indeed been difficult to detect even a trace of Buddhists in *dharma*-literature; see Lingat, *The Classical Law of India*, 123. See also, for examples: J. Filliozat, "La valeur des connaissances gréco-romaines sur l'inde," *Journal des savants*, avril–juin (1981) 113 n. 32; R. Gombrich, "The Earliest Brahmanical Reference to Buddhism?" in *Relativism, Suffering and Beyond. Essays in Memory of Bimal K. Matilal*, ed. P. Bilimoria and J. N. Mohanty (Delhi: 1997) 32–49. But see also Olivelle, *Rules and Regulations of Brahmanical Asceticism*, 32 n. 10; O. von Hinüber, *Das Pātimokkhasutta der Theravādin. Studien zur Literatur des Theravāda-Buddhismus II* (Akademie der Wissenschaften und der Literatur, Mainz) (Stuttgart: 1999) 23 n. 50. It is, of course, commonly suggested that "Buddhists" are included by *dharmaśāstra* writers under the term *pāṣaṇḍa*, but this is only made explicit in later commentaries; see, for example, Lariviere, *The Nāradasmṛti*, Pt. II, 130.

CHAPTER VI

Monastic Law Meets the Real World

A Monk's Continuing Right to Inherit Family Property in Classical India

ACCORDING TO WILLIAM of Saint-Thierry, the greater part of "the world" in the twelfth century was owned by monks.[1] William, of course, did not mean that it was owned by individual monks. "The Rule of St. Benedict was quite clear: personal poverty is required from the monks, but this is distinct from corporate possessions." Moreover, "the denial of private property [in the Rule] does not imply in any way a materially poor lifestyle."[2] The Rule of St. Benedict, in fact, which J. P. Greene calls "the foundation upon which the entire structure of medieval monasticism in Western Europe was eventually built,"[3] has little to say about corporate or institutional wealth or property. Its aim was directed, rather, toward "this vice of personal ownership," and on this it was, indeed, "quite clear."

Chapter 33 of the Rule, under the heading "Whether monks may have personal property," says in part: "It is of the greatest importance that this vice should be totally eradicated from the monastery. No one may take it upon himself to give or receive anything without the Abbot's permission, or to possess anything as his own, anything whatever, books or writing tablets or pen or anything at all. . . . Everything should be common to all, [102] as it is written, and no one should call anything his own or treat it as such." And chapter 55 reads: "The beds should be frequently inspected by the Abbot as a precaution against private possessions. If anyone is found to have anything which was not given him by the Abbot, he is to undergo the severest punishment; and that this vice of personal ownership may be totally eliminated, everything necessary should be given by the Abbot; namely, a cowl, a tunic, stockings, shoes, a belt, a knife, a pen, a needle, a handkerchief and writing tablets, so that all excuses about necessity are removed."[4]

The clarity in Benedict's Rule in regard to "whether monks may have per-

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sonal property" must at least partially be a function of the fact that Benedict was able here—as elsewhere—to avoid sticky issues and the largely legal difficulties that could, and did, arise when an individual renounced real property. He may have been able to avoid these difficulties in part, perhaps, because one of his predecessors—the author of the only other "Rule" that he refers his monks to—had already dealt with them in some detail and in part, perhaps, because he was writing for a world on which the weight of Roman secular law was pressing much less heavily.[5]

Although Basil of Caesarea, St. Basil the Great (330–379), "wrote no Rule, his conferences and replies to questions were treated as a guide and were quoted as a rule by St. Benedict and others."[6] These were translated into Latin in 397 and circulated widely.[7]

Basil, of course, lived in a world very different from Benedict's. "It is necessary," for example, "to recall that at this period the burdensome tax system inaugurated by Diocletian is still operative throughout the Roman Empire and that monks are laymen and are not, therefore, eligible to the immunities granted the clergy." So, although Basil "states that the monk upon his entrance into the monastery has renounced all right to the ownership and use of his possessions" and—as Benedict ruled—that he has no ownership rights in the property of the monastery, still [103] Basil had to deal, for example, with prior unpaid taxes. His solution, according to M. G. Murphy, was to rule that "the monk actually renounces his rights to the ownership and administration of the funds he has brought to the monastery, but not his obligations to pay the taxes which have accrued before his entrance."[8]

Given the complexity of Roman laws of inheritance in their full vigor, this was another area with which Basil—unlike Benedict—was forced to deal. On this question, Murphy, summarizing several passages from *The Ascetic Works*, says: "In regard to the property that might come to the monk by way of inheritance or donation, St. Basil teaches that his monastic profession has deprived him of all right to ownership of this," and "in the case of the inherited property, therefore, St. Basil recommends that it be entrusted to the proper ecclesiastical authority to be disposed of as the latter deems fit."[9]

Whether in Benedict or Basil, then, what characterizes relatively early Christian monastic legislation in regard to private ownership by monks, or any continuing right of inheritance, is its clarity: monks have no ownership rights, and although they might technically inherit, the property in question does not go to them but to "the proper ecclesiastical authority to be disposed of as the latter deems fit." Two points are worth noting here. First, these issues are explicitly engaged in Christian monastic literature, and positions in regard to them are clearly articulated. Second, we seem to see here—at least on these issues—a case where the im-